M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

April 21, 2017

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, APRIL 21, 2017, BEGINNING AT 9:04 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

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

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks today, we have Mr. Guzman.

OPENING REMARKS

The opening remarks were offered by Councilmember Don S. Guzman.

CHAIR WHITE: Thank you, Mr. Guzman. Great Job.

Mr. Clerk. Oh, I'm sorry. Will 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: Thank you all. And--

COUNCILMEMBER KING: Chair.

CHAIR WHITE: --for the two folks that are in the gallery, please turn your phones to, to silent.

And, Mr. Clerk.

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

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

When testifying, please state your name and the name of any organization you represent.

Mr. Chair, we currently have one individual who has signed up to testify in the Council chamber, and approximately five individuals at our Molokai District Office.

The first testifier will be Rosemary Robbins, testifying on Committee Report 17-52. And she will be followed by testimony from our Molokai District Office.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS, (testifying on Committee Report No. 17-52):

Good morning, everybody.

CHAIR WHITE: Good morning.

MS. ROBBINS: Councilmember Guzman, amen, wonderful. Thank you.

I just want to say thank you to everybody who worked so hard in these budget hearings, well into the midnight hours and beyond, and just being very, very thorough. And I must say dealing with not only stuff that had come through in electronics, but also in hard copy.

Councilmember Hokama, I saw you up there with all that hard copy with you, and I certainly relate to that. And that's what I would like to speak to this morning. In this item, where it talks about Budget and Finance Committee and referring, so that things are going to come back again.

I have had so many people ask how come everything is going into the cloud or whatever it is that they're talking about in electronics, and we can't necessarily read it? Valid. Especially for the older seniors who aren't tuned in for whatever causes, and they're multiple, to what happens when it's not available to them to actually read. They do well in having their magnifying glasses to be able to bring up the font to something that would be more readable. They're doing everything that they can in order to be able to participate.

Yesterday morning when I came down, there was a group that was outside with their signs up. And so, I went out to find out what they were there for. And it was to free Argentina. And I hadn't been aware that we had conquered Argentina. But the good news to take out of that was the people are feeling that they can be heard, and that their opportunity to be heard is something that they cherish. So, thank you for having enabled people to thank about that, and to not be afraid from the little ones to the seniors who have come up to this microphone over the past couple of weeks, and just shared with you what's in their heart.

So, it would be very helpful if, I guess you as the Chairperson, I'm not too sure, but at any rate to be able to succinctly tell the people how they will be able to deal with hard copy. It's not just going to be lost in the cloud someplace, or whatever the other spheres of electronics are for the data. I know that data is being shredded as the

material gets placed into the electronics-sphere, or whatever that proper term would be.

So please, for everybody, do both. I don't want to see the electronic stuff stop, neither do they. But they also don't want it to be the only game in town. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins.

MS. ROBBINS: Thank you again for all your hard work, everybody.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please identify yourself and introduce your first testifier.

MS. TINA THOMPSON: Hi, this is Tina from the Molokai Office. And my first testifier here is Linda Place who is testifying on item County Communication 17-173.

Go Linda.

MS. LINDA PLACE (testifying on County Communication No. 17-173):

Hi. Good morning. My name is Linda Place, and I support the bill, Exhibit 1, page 5, County Communication 17-173, County of Maui, submitted by Crivello. Thank you.

CHAIR WHITE: Mr. Clerk, shall we try to call them back?

DEPUTY COUNTY CLERK: Thank you. Molokai District Office, there's some noise in the background. I'm not sure if that's a machine. Is that able to be taken care of, Tina?

MS. THOMPSON: Yea, I'll close the door from the other office.

Do you want me go to the next one?

DEPUTY COUNTY CLERK: Yes, please. If you can, able to close the door so we don't hear the background noise.

MS. THOMPSON: Okay, yea. It's closed. Is the noise still bothering?

CHAIR WHITE: We'll take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:16 A.M., AND WAS RECONVENED AT 9:17 A.M., WITH ALL MEMBERS PRESENT.)

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

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: My next testifier is Zaidarene Place, who will be testifying on County Communication 17-73 *[sic]*.

Introduce yourself, yea.

MS. ZAIDARENE PLACE (testifying on County Communication No. 17-173):

Good morning. My name is Zaidarene Place. I just would like to say that I am in support of Councilmember Crivello's proposed bill regarding short-term home rentals, Exhibit 1, page 5, County Communication No. 17-173. Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: My next testifier is Zaidarene W. Kalipi, who will be testifying on County Communication 17-173.

MS. ZAIDARENE W. KALIPI (testifying on County Communication No. 17-173):

My name is Zaidarene Kalipi. I'm from the east end side, and I support Councilmember Crivello, 17-173, and her Molokai Planning Commission, a proposed bill to amend the comprehensive zoning ordinance relating to short-term rental homes. Thank you.

CHAIR WHITE: Thank you for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: My next testifier is Dart Bicoy, who's been, who will be testifying on County Communication 17-173.

Go ahead, Dart.

MR. DARTAGNON BICOY (testifying on County Communication No. 17-173):

My name is Dartagnon Bicoy. I live on the east end of Molokai. My family's been there for, going on five generations. I support Stacy's Crivello's intent to send short-term lease rentals back to the Molokai Planning Commission for discussion. Thank you.

CHAIR WHITE: Thank you for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: The next testifier is Raymond Naki, who will be testifying on County Communication 17-73 *[sic]*.

Go ahead, Raymond.

MR. RAYMOND NAKI (testifying on County Communication No. 17-173):

Well, just reading this thing right now, I agree in a sense that it comes to Molokai, yea, so that our community can share our mana`o on that. So, that's what I'm agreeing to, that the, that on this pala pala to bring it back to our community here, and then we can talk about it and share about it; the dos and don'ts. Thank you.

CHAIR WHITE: Thank you for your testimony, Raymond.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: Our next testifier is Greg Jenkins. And, he'll be testifying on County Communication 17-173.

MR. GREG JENKINS (testifying on County Communication No. 17-173):

Aloha. My name is Greg Jenkins. I'm a Pukoo resident, as well as a CPAC member. And, I'm testifying today in support of the short-term rental homes on Molokai; this, this particular resolution.

This is a very concerning issue as I believe that the, there are current violations to 19.65.030, Sections N2., 3., 4., 5., 6., and 7., that have been disregarded by both the Molokai Planning Commission and the Molokai Planning Department current planning staff. And that they have not addressed the, those particular aspects and concerns of our community, specific to existing land use entitlements and uses per our community plans. They disregarded our current community plan, as well as our proposed language that addresses that these short-term rentals are not desired in certain areas, and have not provided for community input on such.

It is also, number 4, they have not addressed, and questioned, and discussed more with our community the adverse impacts of, that these have which change the character of our communities in very, in these very specially populated areas.

The five hundred, the cap is also being addressed in this ordinance on item number 6., as far as how, how many of these are, are included in certain areas of our community. And then the number of protests, you know, when you only have a 500-foot limit, that eliminates a lot of our community from being included in a voice of how this changes the character of our community, not just the surrounding residences. That needs to be addressed.

And the existing past noncompliance, these are a lot of illegal people that have been conducting these on the island, taking advantage of this illegally, and now they want to get clean, which I understand. But they've completely bypassed community process and this is a predatory speculative situation right now where people are rushing applications to get in while it's still possible.

And I am asking for deferment of any further applications of short-term rentals on this island until this ordinance has a chance to be heard by the Molokai Planning Commission, as well as being vetted with community input. Thank you.

CHAIR WHITE: Thank you, Mr. Jenkins.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: The next testifier is Palmer Naki, and he'll be testifying on County Communication 17-173.

MR. PALMER NAKI (testifying on County Communication No. 17-173):

Aloha. My name is Palmer Naki. And, I guess I'm in support of Aunty, of the, what is the bill now? What is this now?

MS. THOMPSON: County Communication.

MR. NAKI: To bring it over here?

MS. THOMPSON: Right there.

MR. NAKI: Yea, to bring it over here, County, what is the number, 17-173, Councilmember Crivello. Yes, I'm in support of that, to bring it back to Molokai for us to discuss and to talk about the matter. I'm not totally, but that's all. Thank you.

CHAIR WHITE: Thank you very much for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: Our next testifier is Lori Buchanan, and she'll be testifying on County Communication 17-173.

Go ahead, Lori.

MS. LORI BUCHANAN (testifying on County Communication No. 17-173):

Aloha, Honorable Councilmembers. My name is Lori Buchanan. I'm testifying for myself. I am also representing the Palaau Aha Moku, an organization of central Molokai, with the demographics being primarily of Native Hawaiian ancestry.

I am very thankful for Councilwoman Stacy Crivello's attempt to hearing the community concerns to put a cap on short-term rentals. And I appreciate that, however, I sent a correspondence to Planning for an explanation and a timeline, historical account of

what happened from 2013 to present with the comprehensive zoning ordinance. Back in 2013, I recall that we wanted to exempt Molokai from the ordinance pending the approval of a community plan update. We've just completed that update, and understand it's going to be sent to Council soon for review.

Yes, it's taken five years, but nothing's changed. But, we've gotten more information. I think the cap, while well intentioned, and we certainly need a cap, I think more of a, we need a committee formed to look at the infrastructure and carrying capacity of Molokai, cause we shouldn't have been included in the comprehensive rezoning.

Putting a cap at 40 is not based on, is pretty arbitrary, and I don't see any data that supports that number or any number. And so, how we derived at that clearly overstates my concern of how we got here. So, at this junction in time, I would rather see a cap than no cap. But, I would rather see a moratorium and a committee formed to investigate whether Molokai is able to support this action, because clearly zoning does not support this. And I remember we talked about short-term, and bed and breakfast, and that type of uses in resort zoned area. And I'm supportive of that.

But, this arbitrarily, saying that short-term rentals, or bed and breakfasts, or TVR's, and I know we're not talking about that today, in residential areas scattered throughout Molokai, I cannot support. Cause when I purchased my home in a residential zone, it came with a bunch of conditions that we all had to meet. And one of those conditions was not to have commercial entities such as short-term rentals within our neighborhoods and there were very good reasons.

So, I cannot support, I cannot support the idea of the short-term rentals on Molokai, even through the comprehensive rezoning. But I do support my Councilwoman's attempt at hearing the community's concern and try to amend this ordinance at this time. Thank you.

CHAIR WHITE: Thank you very much for your testimony, Ms. Buchanan.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. THOMPSON: I have no other testifiers waiting at this time. Thank you.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have no further individuals wishing to testify in the Council chamber or at the District Offices.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, without objection, the Chair would like to receive the written testimony into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

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

1. La`akea Poepoe;
2. Mahina M. Poepoe;
3. Jim Smith;
4. Pamela Tumpap, Maui Chamber of Commerce;
5. David Goode; and
6. Luigi Manera.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Public testimony is closed for this morning.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of March 10, 2017 were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 10, 2017.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

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

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes". Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 17-168 - TIVOLI S. FAAUMU, CHIEF OF POLICE, (dated March 28, 2017)

Informing of the intent to expend $11,654.91 in Forfeiture Funds to pay for ice machines for the Lanai and Hana Stations.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I request the Clerk to bring up 169 and 170.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 17-169 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION, (dated March 29, 2017)

Transmitting a copy of the notice of Authorization and Project Agreement for the Maui County Metropolitan Planning Organization FY 2017 Unified Planning Work Program in the amount of $188,316.80.

NO. 17-170 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated March 29, 2017)

Transmitting a copy of the State of Hawaii Appropriation Warrant No. 220 for funds for Valley Isle Timing Association for the Maui Motor Sports Park in the amount of $2,000,000.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION 17-168, 169, 170, BE FILED.

CHAIR WHITE: We have a motion--

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is just required notifications to Council of either receiving or intent to expend. I do take note that the Maui MPO has now received Federal dollars for their own expenses of $180,000. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-171 - ALAN M. ARAKAWA, MAYOR,
(dated April 10, 2017)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Emmanuel Baltazar on April 10, 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 17-171.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, with a second from Ms. King.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor's Office received Emmanuel Baltazar's resignation on April 10, 2017. And I'd like to thank Mr. Baltazar for his dedication and service to the Cost of Government and his service to our community.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-172 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated April 5, 2017)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending March 2017.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MR. CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 17-172.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, as these reports are just informational only and there is no proposed legislation for the Council to consider, I respectfully request consideration of my motion.

CHAIR WHITE: Thank you, Mr. Atay.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-173 - STACY CRIVELLO, COUNCILMEMBER,
(dated April 11, 2017)

Transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES ON MOLOKAI".

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR COUNTY COMMUNICATION 17-173, PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mr. Chair, I wish to have the proposed resolution considered by the Council today, because I believe time is of essence on this matter. The bill attached to the resolution sets limits for short-term rental home permits on Molokai. Unlike in other areas of Maui County, Molokai has no limits on these permits.

Members, if the waiver to Committee is granted, my next request will be to adopt the resolution and send the proposed bill to the Molokai Planning Commission for their immediate consideration. My hope is that the Commission will schedule the proposal as soon as possible, and allow the community to vet into this discussion.

In my opinion and, the situation on Molokai is quite urgent. There's quite a number of confirmed permitted short-term rental homes operating on Molokai with an additional 15 or 14 right now, and 15 permits pending review and consideration. In addition, the Department has advised that they have identified over 25 short-term home rentals

operating on Molokai without permits. And if they know it, why are they being allowed to operate? So, that's another concern I have.

We, this morning, Councilman Guzman talked about the environment, Earth Day. And I am personally, as a keiki o ka aina o Molokai, I am concerned that without setting limits for short-term rental home permits, what is happening is the character of our community is significantly impacted.

Last month, I went to a celebration of life for one of our kupuna, and it was in the area of what we call Mana`e. And I walked where, actually where my children and my family, we camped, fished, you know, everything that's so traditional. And all I saw was signs of, so, in other words, was sore.

You know, so I, I then have been receiving calls from community people, and especially in that area, and part of, further out into Kaunakakai. And I am most concerned because we use to know everyone. And of course times change. And you know, we knew our neighbors, that's changing like a tsunami. And cause we're such a small island, and we are rooted with the, to me, with the gift of aloha. But, when we are, we're having our form of not knowing neighbors today. And then you start stirring within ourselves anxieties and, and that cannot, we don't want that to exist because we become out of balance.

So, Members, even though I'm asking to waive Committee referral today, the proposed bill will return to us for Committee and Council review. It's to get it to the Molokai Planning Commission. So, with all of my subjective emotions for the love of my island, I respectfully request your consideration to waive the Rules of the Council to help expedite the review of this matter. Mahalo.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion on the waiver?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: I, I would be in support of this, just to the fact that it will come back to the Council and the Committee. It's just that first off it's going to review from the Commission. So, I have no objections. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Anybody else?

COUNCILMEMBER ATAY: Chair, I'll be in support of supporting our colleague here in moving this forward. You know, this is not going to just be a Molokai issue. I can see that it'll also be issues of other special places throughout Maui County, especially the very rural areas. So I think this is a first step that we got to, maybe resend it back to Molokai Planning.

My colleague Crivello already answered some of my questions. I was going, well how many permits are there and how many non-permits are not, you know, also there. And already 25 is identified. So, and then the other question is, are they really popping up all over in sensitive areas? So, I think we need to go back and, and have that process go through and come back to us.

CHAIR WHITE: Welcome to the issue of short-term rentals. As, as Ms. Cochran--

COUNCILMEMBER KING: Chair.

CHAIR WHITE: --brought up yesterday, we were, there are ways, there are new ways where we can find out who's, you know, who's there and who's not. And, for those of you who are new Members, we had, I believe 18 meetings on just short-term rental issues. So, it's a very difficult issue. But, so Molokai will have its chance if we send it back to them for further review.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: All those--

Yea, Ms. King.

COUNCILMEMBER KING: Yea, I just wanted to express my support too. I talked to Member Crivello about this review and I think this is an issue that also relates to the community plan review, I'm sure it's going to come up in those discussions.

I spent a lot of time with that community plan before we went into Budget session, so I think I probably might have even read it more in-depth than some of the people on Molokai. But, I think this goes directly to the strong desire in that plan to keep Molokai rural, and the character of the rural towns, the way they use to be, was a strong theme

throughout that community plan. So, and, and I'm happy to hear that it will be vetted out further too. So, I support this waiver. Thank you.

CHAIR WHITE: Thank you.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: The motion is to waive the Rules--

CHAIR WHITE: The waiver.

COUNCILMEMBER HOKAMA: --not to pass the resolution. So, let's get back on track please.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Crivello.

COUNCILMEMBER CRIVELLO:

MR. CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-173, ENTITLED "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES ON MOLOKAI", AND TO REFER COUNTY COMMUNICATION 17-173.

VICE-CHAIR CARROLL:

SECOND.

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

Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair. I have no further discussion. I just ask for the Members support of my motion.

CHAIR WHITE: Thank you. I think we had a full discussion during the waiver. Discussion?

Mr. Clerk.

DEPUTY COUNTY CLERK: Thank you, Mr. Chair. And, just for clarification, unless the Council dictates to us otherwise, it will be referred to the Land Use Committee.

COUNCILMEMBER CRIVELLO: I'm sorry, yes.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Ms. Sugimura. Oh.

COUNCILMEMBER SUGIMURA: Go ahead.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, one thing maybe our staff can check, cause I'm in support of the intent of this resolution. But, I think Mr. Atay brings up a good point. Maybe we should just have a whole review of short-term rental homes, because maybe it's a time to look at it Countywide. Maybe Lanai might want to consider limitations also, which we currently don't. So, it's an issue. It impacts homelessness, impacts affordable housing. So maybe it's time to look at it broader than just Molokai.

So, I just want, going ask, can we change the title of the bill later to make it more broad? But, at this time I'm not going to stop, because I'm on this train to get this review going too, Mr. Chairman. Thank you.

CHAIR WHITE: Thank you.

Any, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I just want to also voice my support for Member Crivello and what she's doing. Knowing her and her passion for the island, I think that her immediate reaction to, and response to her community, we all feel it. Anytime there's anything with Molokai going on, we defer to her as she does know what's happening on the island, has a pulse of the community. And you can hear it from the testimonies too.

Some of us today are even wearing her aloha, as I'm wearing this, and the guys are wearing the ties that she, she gave to us at the district meeting. But, it was made from the island of Molokai with love. And I think that it all represents who that island is. And I totally support this review too. And, I understand what Member Hokama is saying. I think that's a good idea also. So, I support this resolution.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

NO. 17-174 - YUKI LEI K. SUGIMURA, CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, (dated April 11, 2017)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF KELLY PEARSON TO THE COMMISSION ON CHILDREN AND YOUTH".

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO DISCHARGE THE POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE FROM FURTHER CONSIDERATION OF THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-174.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Pursuant to Section 13-2(16) of the Revised Charter of the County of Maui (1983), as amended, and Section 2.41.050, Maui County Code, the deadline for the Council to approve or disapprove the nomination of Kelly Pearson to the Commission on Children and Youth is May 9, 2017.

Discharge is needed to enable the Council to consider action today on the proposed resolution.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any discussion, Members?

Seeing, oh, Ms. King.

COUNCILMEMBER KING: Just a question, Chair, because I've been contacted by somebody who had applied for this a long time ago and was wondering if it was even going to,

the Commission was still alive. I guess it had been dormant for a while. But I just wondered if that person had declined the appointment; Lucy Feinberg.

COUNCILMEMBER SUGIMURA: So, I think that has to be deferred, that question later, to actually the Mayor's Office, because they're the ones that are processing this and sending this name forward. As you know, the process, according to the Charter, it's not the County Council.

CHAIR WHITE: Right.

COUNCILMEMBER SUGIMURA: So, that would be a future question for Mike Molina.

COUNCILMEMBER KING: So, you, you don't have any awareness?

COUNCILMEMBER SUGIMURA: No, I don't.

COUNCILMEMBER KING: Okay. Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Pursuant to Section 13-2(16) of the Revised Charter of the County Code, I would like, or County Code 1983, as amended, and Section 2.41.050, Maui County Code, the deadline to approve--

CHAIR WHITE: You already--

COUNCILMEMBER SUGIMURA: I did that.

CHAIR WHITE: Yea, you already did. That was, the vote was just on the discharge.

COUNCILMEMBER SUGIMURA: Sorry.

CHAIR WHITE: You need to, I think the motion to waive.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7-E OF THE RULES OF THE COUNCIL.

CHAIR WHITE: Do we have a second?

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Mr. Carroll.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Approval of my motion by two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today.

CHAIR WHITE: Thank you.

Members, any further discussion on the waiver?

COUNCILMEMBER KING: Chair. Do we, is there a reason, is there a time limitation in why we can't take this back to Committee.

CHAIR WHITE: Yes.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: This, she just mentioned that--

COUNCILMEMBER KING: Right, but I mean--

CHAIR WHITE: --we need to take action before the May 9 deadline.

COUNCILMEMBER KING: Right, but I mean, you know, I just, I don't, I'm not sure, I think the Salary Commission is a big issue right now. And so, what would, what happens if we don't do this in Council right now?

COUNCILMEMBER SUGIMURA: This is for Children and Youth.

CHAIR WHITE: This is not on the, this is the Children and Youth.

COUNCILMEMBER KING: Oh, we're still on the Children and Youth. I'm sorry, okay. I thought we.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY CHARTER 17-173 *[SIC]*.

Thank you, Members. I also would like to mention that I think all of you know Kelly Pearson. She came before us to, to talk during the Budget deliberations. And I did talk to her about this, about her nomination. And she actually said what she did was she contacted the Department of Housing and Human Concerns because she wanted to start her own commission, or do something for Children and Youth and her passion through her work with the Boys & Girls Club.

And with that, and you saw her speak passionately about the Paukukalo Boys & Girls. She knows all her stuff, and I really would like to ask for you to support her in, in this capacity.

CHAIR WHITE: Thank you, Ms. Sugimura.

VICE-CHAIR CARROLL: So moved.

I MEAN, SECOND.

CHAIR WHITE: Yea, we had a long motion there. Okay, we have a motion from Ms. Sugimura, and a second from Mr. Carroll.

Any further discussion? Seeing, I'm sorry, Mr. Clerk.

DEPUTY COUNTY CLERK: Just for clarification, if that would include filing of the county communication?

CHAIR WHITE: Yes.

COUNCILMEMBER SUGIMURA:

AND FILING OF THE COMMUNICATION.

CHAIR WHITE: Without objection from the seconder, we'll add that.

Did we take, we just took the vote right?

DEPUTY COUNTY CLERK: Mr. Chair, we need to take a vote on the--

CHAIR WHITE: I'm sorry. Okay, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, relative to County Communication 17-173, that's RESOLUTION 17-74. And, relative to County Communication 17-174, RESOLUTION 17-75.

NO. 17-175 - YUKI LEI K. SUGIMURA, CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, (dated April 11, 2017)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF ARTEMIO BAXA TO THE SALARY COMMISSION".

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO DISCHARGE THE POLICY, ECONOMIC DEVELOPMENT, AGRICULTURE COMMITTEE FROM FURTHER CONSIDERATION, EXCUSE ME, OF THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-175.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Pursuant to Section 13-2(16) of the Revised Charter of the County of Maui (1983), as amended, and Section 2.41.050, Maui County Code, the deadline for the Council to approve or disapprove the Mayor's nomination of Artemio Baxa is May 12, 2017.

Discharge is needed to enable the Council to consider action today on the proposed resolution in order to meet the May 12 deadline.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: So, if we don't approve this, and it goes back to the PEA Committee, and we don't make this approval in time, then it comes back to the Council for?

CHAIR WHITE: No, my understanding is that the appointment would stand. We have a, we have an opportunity to either approve it or disapprove it. If we disapprove it, then it goes back to the Mayor. If we take no action, then the appointment stands.

COUNCILMEMBER KING: So, there's no, there's, there's no way to make it come back to the Council? That seems odd. Okay.

CHAIR WHITE: But, that's the, that's the process.

Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: So, I'm trying to understand this. If we approve this, he's in. If we disapprove this, it goes back--

CHAIR WHITE: For another--

COUNCILMEMBER ATAY: --and no matter what, he's in?

CHAIR WHITE: No, no, no. No, if we disapprove it, it goes back and the Mayor comes up with another nominee.

COUNCILMEMBER ATAY: Oh.

CHAIR WHITE: If we take no action, he's automatically in.

COUNCILMEMBER ATAY: Okay.

COUNCILMEMBER KING: But, Chair, just to clarify, so if we disapprove it, then it goes back to the Mayor, he, he sends us another name and we have another opportunity in Committee to review that name? So we, we would have an opportunity to vet in Committee?

CHAIR WHITE: Depending on the timing of the, of his recommendation.

COUNCILMEMBER KING: Okay. And if he doesn't recommend somebody within that timing then it goes back to the Council?

CHAIR WHITE: Then, then it comes back to the Council.

COUNCILMEMBER KING: Right. Okay. Thank you.

CHAIR WHITE: Mr. Baz, have I explained it correctly? Okay.

Any further discussion? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "no".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(3) *[SIC]*, OF THE RULES OF THE COUNCIL.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-175, AND TO FILE COUNTY COMMUNICATION 17-175.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I appreciate you taking this up based upon the deadline. I just want to add a personal note about retired Judge Artemio Baxa. I guess a question came up because of this Salary Commission that the, some Members wanted to vet him.

Myself, I have personally worked with him when he and I were on the Charter Commission. And every time Judge Baxa spoke, we all listened, because he absolutely knows policy, and he has high integrity. And I think many of you have probably heard him speak in the community. And, besides being a, just awesome person, he is highly respected also.

So, I, I stand by him. I think he'll make right decision, decisions for the Salary Commission. And I appreciate your support.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Thank you.

Yes, Ms. King.

COUNCILMEMBER KING: I just wanted to point out that, you know, my objection to the, to the . . . process has to do with the process and not the person. And that there have been issues with some of the, the decisions that have come out of the Salary Commission. So, I think the, you know, that's my bigger concern is having a discussion rather than just jumping to these appointments.

You know that I've discussed with you, Chair, about the desire to see all appointees, all, all applications so that we're making decisions not in a vacuum. You know, we're not just rubber stamping. But, you know, I don't have objections to this person, it's the process that we're, that I believe that we're subverting. Thank you.

CHAIR WHITE: I, I appreciate that and, and you've made, you've made your points earlier and you've been consistent with it. And I don't think I'm alone, or the two of us are alone in our concerns with the Salary Commission. Appreciate your comments.

Any further discussion?

COUNCILMEMBER SUGIMURA: I, I do. Or, Member Crivello, did you? Oh.

I just want to again say that all of us got the applications from Judge Baxa, as well as Kelly Pearson in the past. I did see Judge Baxa in the community, so I did talk to him personally. But, we all had a chance to talk to him and vet him if we wanted to. So,

we're not operating in a vacuum. You know, we are open as, as I think all of us want to be. So, I don't want to give the community impression that we're trying to do anything that's, you know, backdoor or anything, because the application was with us for, for weeks I think. But anyway, thank you. That's all I want to say.

CHAIR WHITE: Thank you. Yea, I think that, a little bit more challenging during Budget.

COUNCILMEMBER KING: Yea, Chair. Chair, just to clarify, you know, we're, when I say we're operating in a vacuum, we haven't seen all of the applications for each position. And so, that that was my position. It has nothing to do with what Ms. Sugimura is saying about not seeing this particular application.

It's just that when we make approvals, we don't know all the, all the people who have applied for that position. We just know the one name that we are given. And so that, my, my concern has to do with seeing a list and making a decision of whether, you know, not just, not this, not necessarily just this particular Commission, but whether we're picking the best person, or we're just saying yes or no on the one name that we've seen. So, I want to clarify that, because that's been an ongoing issue. Thank you.

CHAIR WHITE: Thank you. Okay, any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I think, I think what Ms. King is sharing is kind of important. I think we may need to take a look at the process so that there is a, there is a transparent, fair, equitable way. If there is 10 people applying to be nominated, to be considered for a particular Commission, then how can we be aware of the 10 selections that, that gets vetted down to this, we voting on one person. I think we really need to look at the overall process again, and see how we can change how it is.

CHAIR WHITE: Okay. Thank you.

Any further discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you, Chair. I think the importance of the Salary Commission is, is so weighted that there's an ordinance that basically gives them the autonomy or at least the subject matter of shall, I guess, create the salary rates. And,

and then like I've mentioned earlier in Committee is that there could be conflicts in the, you know, in our authority under the Code as well as the Charter.

So, I think it really does matter in, in how we go about choosing that person. And I know Judge Baxa from the very beginning of my career. He's been a good man; very honest, trustworthy. But I think we really do need to make sure that we hit every process, especially the fact that this is such an important Commission.

So, I, I would go along with maybe deferring this to the, the normal process. Is there a time limitation? Is that what's I'm hearing? Well, either way, he would be, if we defer it, he would--

CHAIR WHITE: If we defer it, he becomes a member of the Commission.

COUNCILMEMBER GUZMAN: Right. So, but you kind of know where I'm going with that. Okay. Thank you.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I want it clear that on record, I fully support the nomination of Mr. Baxa. I think he stands and holds high integrity for this position on the Salary Commission. But, I just want to be clear that if there's an opportunity to look at the process for the future.

CHAIR WHITE: Yea. No, you've, I think both you and Ms. King were very clear.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-76.

Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 17-59 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 46 (2017), entitled "A BILL FOR AN ORDINANCE RELATING TO CONCESSIONS AND SPONSORSHIPS IN COUNTY PARKS AND RECREATIONAL FACILITIES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication, 16-273, from Councilmember Riki Hokama, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE COMMITTEE REPORT 17-59 PASS FIRST READING, BE ORDERED TO PRINT.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as the Clerk read correctly, this is to establish a policy for the Department of Parks and Recreation regarding the awarding of concessions and sponsorships in County Parks and Recreational facilities.

Your Committee believes that this may be one step forward in creating another revenue stream to allow the Council to appropriately provide for the facilities, operations, programs, under the community desires and deserves. Further, in areas of the sponsorships, a lot of the, these final decisions will be come back to Council for final Council approval, as well as appropriating any funds that is generated through this new component of the Code. Council will still have final say on where the money goes, how it goes, how it is to be spent, and therefore, protecting the Council's ability of oversight and transparency.

So, I would ask the Members to help move this forward. I think it's a smart step in moving this County forward in continuing to find ways of providing for a community with less support from the State and Federal governments. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none--

COUNCILMEMBER KING: Chair. I'm sorry, Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: I just, I just wanted to reiterate that I have a great discomfort with the second part of the bill when it comes to naming rights. And so, I, I won't, I was hoping that we could separate them in two, and, and that discussion went nowhere in Committee. But, you know, that's my objections. I won't be supporting the entire bill, but I understand the reason behind it.

CHAIR WHITE: Thank you, Ms. King.

Any further discussion?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, I speak in support of this enabling bill. I think in the last Committee meeting that we've had, my proposals for the amendments, specifically for the naming rights has secured at least a vetting portion or at least a standard criteria

that has been used in the naming commission using the same standard, standards and criteria that we use in that commission is incorporated in, within this bill. And those are very hefty and strict criterias, as well as being able to vet it through.

At least the Council, having the approving authority of any vendor that is, or permit, or license, that is over 5,000, which is basically everything, and I said that in the Committee. There's no vendor out there that's going to be wanting to get this permit if they're only going to make 5, less than 5,000 a year. So, eventually the, the Council will see most significantly all of the permittee applications and go through it.

So I think we speak on behalf or at least elected by the people, we'll be that, the guards at the gate to make sure that we're not getting super Coca-Cola out there, you know, sponsoring every park, or being named as such. So, I would trust my colleagues and the future Council to make those decisions. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I also want to lend my support to this enabling legislation. I think it was very properly vetted in, in Riki's, or Member Hokama's Committee. And, especially as we're going through our budget process and seeing how difficult it is to, to fund things that we want for all the different nonprofits, for all the different departments, something like this is, is something that I'm glad we're doing and I know that we will not abuse exactly what, you know, Member Guzman said; that, you know, we won't abuse a situation like that and will, will be very respectful of who we are from Hawaii and, and our people.

So, I support this. I think it's a genius idea of where we need to go in terms of steps forward. So, thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: Once again, I want to go and, you know, this process is, I think, we already vetted it out in Committee. And I fully support this bill to move forward. It allows this County to have this opportunity to generate other sources of income. At the same time, in the beginning, I was concerned about the naming rights. But, I think through the vetting in the Committee, and with Mr. Guzman's input of protecting the other names of community leaders that we have for several parks, I think that concern was already in place for this. So, I fully support the entire bill to move forward.

CHAIR WHITE: Thank you. I would agree that it simply opens up opportunities for us to, to establish concessions in, in ways that adds some additional revenues to offset the challenges that Ms. Sugimura pointed out. We're, we're looking at challenges in this year's budget, even with significant tax increases being proposed. So, you know, it's not something that we can take lightly.

Any further discussion, Members? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER KING.

CHAIR WHITE: We have eight "ayes", and one "no"; Ms. King. Measure passes.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 46 (2017).

COMMITTEE REPORT
NO. 17-60 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 47 (2017), entitled "A BILL FOR AN ORDINANCE TO AMEND THE LANA`I COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR TAX MAP KEY (2) 4-9-006:050, SITUATED AT LANA`I CITY, LANA`I, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 48 (2017), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR TAX MAP KEY (2) 4-9-006:050, SITUATED AT LANA`I CITY, LANA`I, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;

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

4. That County Communication 16-276, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 17-60.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee noted the three proposed dwellings are replacing three dwellings that were built in the 1920's and demolished in August of 2014. According to structural engineer's report in 2001, the former dwellings were in a dilapidated state with deteriorating foundations and roof supports. The three proposed dwellings will be built in similar plantation style as the previous homes and will each consist of approximately 1,100 square feet with carports.

Your Committee also heard concerns from the community that the homes not be used for short-term rentals, but for Lanai residents only.

Your Committee recommended a Condition of Zoning be added that required that the three proposed dwellings be rented only to Lanai residents.

I ask for the Council's support of the recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on that?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I am in full support. I appreciate what Pulama Lanai is proposing. We need these three houses built as soon as possible, and so I ask the Members to help expedite this approval. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, and, very much in support. Although, and I'm happy that Mr. Hokama, and we all discussed that condition in relation to making sure these homes are rented to Lanai residents. But, as I spoke to residents in, there, and Mr. Hokama knows them all too, but the local, local, local people, long time local people, are feeling that what, who they'll go to will be Lanai residents, but they'll be managers of the company and not so much to, I think, the people that we had in mind we wanted them to be housed for.

So, that was a concern I heard, which we really didn't talk about that. So, they do see management of the company come and go so they'll live there one, two years at a time, and then move, and then they'll, of course, they'd house their managers once again. So, that was a concern. So, hopefully the company hears that, and will take it into consideration. Thank you, Chair.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILLS 47 AND 48 (2017), respectively.

COMMITTEE REPORT
NO. 17-61 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 17-77, entitled "APPOINTMENT OF A MEMBER TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI," be ADOPTED.

Approving the appointment of Jamie Davidson to the Kula Agricultural Park Committee for term expiring March 31, 2022.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 17-61.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met to consider the Mayor's nomination of Jamie Davidson from the General Public to the Kula Ag Park Committee for a term beginning April 1, 2017, expiring March 31, 2022.

Your Committee was able to meet him and discuss with him, and ask him, vetted many questions. And I think that we were satisfied with his response, and can see the diversity and his passion for agriculture as he comes from a generation, four generations of families in agriculture.

And your Committee voted 8-0 to recommend approval.

There is no time limitation for the Council to approve or disapprove the nomination. Mr. Davidson's term will start upon adoption, and expire March 31, 2022.

Chair, I respectfully ask for the Council's support. And I think that we all saw that he would, he would recommend, represent agriculture and be a good member of this Committee. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-77.

Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___42___(2017)

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 FIRE AND PUBLIC SAFETY
(UNITED STATES DEPARTMENT OF HOMELAND SECURITY (DHS)
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
ASSISTANCE TO FIREFIGHTERS GRANT (AFG) PROGRAM – OPERATIONS
AND SAFETY PROGRAM)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

MOVE THAT BILL 42 PASS SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___43___(2017)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO PASS BILL 43 (2017) ON SECOND AND FINAL READING.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Housing, Human Services, and Transportation Committee met on March 23, 2017, to consider a proposed bill to authorize and regulate the use of drive-through signs in Maui County.

Bill 43 (2017), also removes references to "color" to comply with a recent U.S. Supreme Court ruling that the sign ordinance not regulate content.

The bill passed further, first reading at the April 7, Council meeting with a vote of 8-0.

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

CHAIR WHITE: Thank you, Ms. Crivello.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___44___(2017)

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

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, if there's no objections, I'd like to ask the Clerk to bring up Bill 45 as well.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. Mr. Clerk.

ORDINANCE NO._____
BILL NO.___45___(2017)

A BILL FOR AN ORDINANCE GRANTING LANA`I RESORTS, LLC, DBA PULAMA LANA`I, A CONDITIONAL PERMIT TO ALLOW UP TO 40 SPECIAL EVENTS PER YEAR AT THE CHALLENGE AT MANELE GOLF COURSE, WITHIN THE COUNTY LANAI PROJECT DISTRICT 1 (MANELE), FOR PROPERTY IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 4-9-017:008, MANELE, LANAI, HAWAII

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO PASS BILLS 44 AND 45 (2017) ON SECOND AND FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The bills authorize Conditional Permits to: 1) construct and operate a helipad stop in Manele for helicopter transportation service for the property owner and guests of the Four Seasons Resort Lanai; and 2) allow up to 40 special events per year to take place at Challenge of Manele Golf Course, respectfully.

I ask for the Members support on these two. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with unfinished business.

UNFINISHED BUSINESS
COMMITTEE REPORT

COMMITTEE REPORT
NO. 17-52 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 49 (2017), entitled "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, EMERGENCY FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That the Miscellaneous Communication dated October 12, 2016, from the County Clerk, transmitting County Communication 16-223 and related documents associated with the County of Maui September 2016 Flood events and costs, be REFERRED to the Policy, Economic Development, and Agriculture Committee; and

3. That County Communication 17-44, from the Budget Director, be FILED.

DEPUTY COUNTY CLERK: Mr. Chair, for the record, currently pending before the body is a motion by Councilmember Hokama, seconded by Presiding Officer Pro Temp Crivello to adopt the recommendations in Committee Report 17-52.

CHAIR WHITE: Thank you, Mr. Clerk.

And, we have Mr. Goode here, if the Members have questions regarding the information provided.

So, I'll go back to Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. By the Members, during the Committee, requested certain information. There was a, not completely addressed at the last previous Council meeting. Since then, we have received a communication dated April 18, 2017, from the Budget Office through its Director, Ms. Regan, with an attachment that shows and explains various confirmation such as the Department of origin, the contract or P.O., the date, vendor name, work performed, amount, index code it's being charged to, the description of the index code, any appropriate sub-object code, or the sub-object code description, whether they qualified for a FEMA reimbursement, current reimbursement status. And if there's any issues, there is also a column for comment.

I've reviewed it. I believe there is sufficient information for the Members of this body this morning to make a decision on the motion before them. And, your Committee has secured, at least for me, a binder file full of information for the consideration before the Members this morning. Thank you, Mr. Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry, Chair. Yea, all throughout this item, discussion, what have you, I have been voting no. And I shall continue to stand by that verdict, because I, we do have tons and tons of paper. And yes, thank you for the spreadsheet from all the Departments. But, as I add up all these numbers, it looks like out of five million plus nine hundred and ten thousand they're asking, we got 864 round about thousand dollars that are actually deemed obligated by FEMA. The rest is still under consideration. The rest is still being reviewed. So, huge, huge question marks continue to fill these sheets, continue to fill my head, with how everything went down.

So, again, I continue to not support. But, I understand we need to move this forward. So, I'm just one person and see that I won't hinder this movement forward. But, that's my justification. Thank you.

CHAIR WHITE: Would you like to give Mr. Goode an opportunity to answer some of your questions or concerns.

COUNCILMEMBER COCHRAN: Chair, thank you. Chair, thank you, but it looks like the Departments have all forwarded their information, receipts, what have you, invoices, and contracts. And it's there being reviewed currently. So, I don't believe he would have questions. I mean, that, this is what I'm getting off this spreadsheet. So, I see the parts where have been obligated by FEMA. They, it's good to go, but again, it doesn't even add up to a million dollars.

So, I don't want to take up Council time in all this, so I just.

CHAIR WHITE: But I think, I think it's appropriate if he can explain. I, I doubt that FEMA just automatically authorizes things, and it may take some time. That's why we have the Emergency Fund to draw from.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I appreciate my colleague's comments. I understand her frustration. But one thing the departments have done during the event, and post event, the Hawaii Emergency Management Agency is working with us on a regular basis, we're in communications, they are assisting us in ensuring that we do get the reimbursement back from FEMA, okay. So, they're in complete, I would say, in a communication of process with our own Departments and our agencies to ensure compliance reporting. We also got the prenotification when time allowed for them to get some direction.

Also, the bill as we currently stated will refer the subject matter to the standing Committee. I think that Committee can take a look at a lot of the concerns Ms. Cochran has brought up, other Members of the Committee has brought up in our Committee's review and deliberations, Chairman. I don't question the need for that discussion. And if appropriate, Council can determine where it would like to go from that point.

But I think for this time, from a budgetary standpoint, Members, I understand the frustration, but I would ask that you consider helping me move this forward, getting this taken cared of. Let's deal it with, deal with the subject in the appropriate Committee, and make whatever appropriate adjustments we need in the Fiscal Year '18 Budget. Thank you, Chair.

CHAIR WHITE: Okay, further discussion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Chair, I, you know, I share my colleagues concern. I, I wasn't part of the original decision. I, I, when I look at this spreadsheet, I, I see the first $5 million, but I believe that the previous Council already approved that funding. So, I'm just looking at the second piece of this, which is the 910,000 plus that we're, we are being asked to approve. I noted, I note that there's over 200,000 here that is not reimbursable by FEMA. It's already, it's already been determined 173,816, which looks like it was used to remove rocks from the Iao Stream that's not reimburse, does not qualify for reimbursement; the design of the, the geotechnical design of the Imi Kala Bridge, which is 40,000.

And my concern is that is using Emergency Funds for non-emergency work that, that, that's becoming a practice, and then the reimbursement comes back to this Council with, with little alternative but to fund it. And so, I'm, I've got similar issues with the type of work that was being done, and the decisions that were made to continue doing that work after the emergency situation was, was, you know, completed, which is what that tells me if it's not eligible for FEMA work.

So I'm not, I'm not inclined to support the whole 910,000, because I think it, if it's something that's coming, that the Administration decided to keep doing, and possibly because they're using the rocks for something, then that needs to be done under, under General Fund or administrative funds that, that are already in that Department. So, that part really worries me, and I think some of that is probably what happened in the previous five million as well, but I wasn't part, that decision was made previous to my being on this Council. Thank you.

CHAIR WHITE: I think it's, without objection, I'd like to have Mr. Goode come down and help us clarify whatever concerns there are.

COUNCILMEMBER COCHRAN: Yea, no objections.

CHAIR WHITE: Okay, Mr. Goode, could you join us please?

And Members, as you will recall, any authorization from the Emergency Fund requires a vote of seven Members. And, Mr. Goode can probably share with us the, the

challenges that his Department will face if we don't replenish funds from this, his operating budget for this fiscal year.

So, Mr. Goode, would you like to provide comments on any of the issues that have been brought up?

DIRECTOR OF PUBLIC WORKS DAVID GOODE: Good morning, Chair. Thanks for the opportunity.

I've heard a couple concerns; one about FEMA. And, we're frustrated too with the pace as it relates to the reimbursement. I did a quick check of the FEMA website, and they've had 45 nationally declared disasters in 2016 alone, and already a handful this year. So, that's their workload

And we've had to deal with FEMA in the past; I think with Iselle is one example. We're still dealing with it. So, the intention is to get every nickel back to the County that's owed to the County. It's just going to take time, Chair.

As it relates to, I think the concern was about the work on the, near the bridge, Imi Kala Bridge. I think I addressed this in Committee, but again, for everyone's understanding, the Corps has general oversight over that stream channel, and FEMA's, I guess, the way their funds are allowed to be spent, they said, hey look it's a Corps facility, we can't use FEMA money on it. So, it's kind of cut and dry. But, there was immediate safety issue there, we had to take care of, so we did that. We have discussed with the Corps, the possibility of getting Corps funds. They were not optimistic, but that doesn't mean we won't continue to persist if we can.

So, that addresses those comments. And again, we have a handful of projects. I've got like six different projects that are on hold pending the availability of these funds. Plus, if we have an emergency that we can't handle in-house, another sinkhole; we had a sinkhole two weeks ago in Hana. Fortunately, the guys were able to handle that out of Kalepa, in-house. But, if we have the type of sinkhole or washout that we've had in the past, these are the funds that we need to have available to start that work immediately in our emergency procurement. So, I can't do that if we were to have that happen. So, that summarizes, I think the questions that were answered and what the funds would be used for.

CHAIR WHITE: Any other, any other questions for Mr. Goode.

Ms. King.

COUNCILMEMBER KING: Thank you. That's a, a, that's a great, good explanation of the 40,000. But, can you address the larger concern, which is the 173,8, the debris removal that has been deemed ineligible by FEMA. So, I think that's why, just correct me if I'm wrong, because those two issues are not eligible, so we will not be getting reimbursed. It's not like we're waiting to, for a decision. We just know they're not eligible, okay. So, can you address the other one?

DIRECTOR OF PUBLIC WORKS: Mr. Chair.

CHAIR WHITE: Mr. Goode.

DIRECTOR OF PUBLIC WORKS: As it relates to the debris removal. That was for the work above the debris basin; so, along the properties on Iao Valley Road, say from the bridge, below Kepaniwai down to the debris basin. So, there was significant amount of debris, like large tree trunks, limbs, etc., that we were concerned would, in the next storm, clog up downstream and cause significant damage.

We reached out to FEMA to try to get this to be reimbursed, but they refused to reimburse it. So, in, our concern for the next storm, potential damage, we made the decision to go ahead and do that work.

COUNCILMEMBER KING: Thank you.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Any more questions?

Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you. I also have concerns with the portion of the 173,816. It looks as though the money was going to be coming from the Countywide Drainage CIP for construction. Is that where the reimbursement will go to, or, I maybe the Emergency Funds, Chair, that we're going to be appropriating where we're actually replenishing the Countywide Drainage Fund?

CHAIR WHITE: I believe so. That's my understanding. Is that yours, Mr. Goode?

DIRECTOR OF PUBLIC WORKS: Yes, that's correct.

COUNCILMEMBER GUZMAN: Okay. And, can I ask why, specifically, FEMA did not want to reimburse?

DIRECTOR OF PUBLIC WORKS: Mr. Chair and Mr. Guzman, I don't recall the exact reasoning. The, the FEMA rules are pretty intricate. And based on their analysis of it, they didn't feel that's something that they could support given their, given their roles.

COUNCILMEMBER GUZMAN: Does that, that area that you spoke about is near the bridge area. I actually was doing a site visit when the, when they were collecting the boulders and the rocks, and so I would assume that's where a lot of the community issues came from.

I, I really, is this going to be difficult for your Department if the 173,816 isn't included as part of this total of the 910,326?

CHAIR WHITE: Just to, just to clarify, Mr. Guzman, because this is a budget amendment, we don't have the ability to, to address the number.

COUNCILMEMBER GUZMAN: Amend it, right.

CHAIR WHITE: It's either all or nothing.

COUNCILMEMBER GUZMAN: Right. We can't amend, yea.

CHAIR WHITE: Yea, we've had that question before.

COUNCILMEMBER GUZMAN: Gosh you guys got us in a hard spot here.

DIRECTOR OF PUBLIC WORKS: Mr. Chair, if I can address the--

COUNCILMEMBER GUZMAN: Can he answer that question?

CHAIR WHITE: Sure.

COUNCILMEMBER GUZMAN: If you were to come back, and I know it's, the onus is on you, to I guess amend it by subtracting the 173,000 from the total, would that harm your Department?

DIRECTOR OF PUBLIC WORKS: Mr. Chair and Mr. Guzman, first of all it's, I don't think it's harming the Department, it's harming the public. We have about a million one, a million two worth of backlog work, which we're obviously not going to be able to make with the 900,000. So, we're going to have to prioritize, so that would mean a roughly another 175,000 of work that, that's going to be pushed off to a later time.

But, I would like to address the comment related to when the work happened, and any work regarding the boulders. The 173, this is actually like the last job we did. So, after everything else, the stream was reconfigured in compliance with the Corps, we still have the, the question of the debris that was out there. And, so this was at the very end of the project, where I think we had successfully met with the interest groups. You know, they were concerned about boulders and how we handled it. We had already moved up debris that was down at the basin back up to the properties for the property owners to handle. So, this was the very end, last piece of work. So, to me, we had pretty much addressed all those concerns related to the boulders, and now we were just handling this debris.

COUNCILMEMBER GUZMAN: Okay. Yea, this is a difficult decision, Chair, because you realize that, you know, there was some things that were, may not have been done properly, and culturally, and lack of sensitivity. But then again, by depriving or at least holding back this money, it could cause harm to the community by not being able to respond to some of the repairs, as well as emergency situations that we have in the community.

So, at this point, you know, it's a, it's a tough decision but you've got to look at the future in making sure that our community is safe. And I don't want to be hindering that to put anybody in a, in a bad situation or an unsafe situation. So, all I can do is say, you know, go along with the lessons learned and, and make sure that this doesn't happen again. And, I'm sure the Department has learned their lessons, and the County and the Administration has done so too, despite the Mayor's remarks.

So, I, I believe that we are moving forward. And so, I'll make my decision when you call the roll. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair, and thank you Mr. Goode for your explanation. I share my colleague, Mr. Guzman's concerns about, you know, we do seem to be kind of between a rock and a hard place, no pun intended. But, I, I, the thing that I just wanted to get this on the record that the thing that really bothers me about this is it, is that so much was done after the fact that we're, and we're replenishing things under the Emergency Fund, that I think, I believe were not emergency actions. You know, they were, they were maybe actions that were part of other CIP things or actions that were taken after the emergency situation was handled. So, I'm, I'm, I'm really torn about this as well.

I think the, there was a lot of valid concern by the community about what was, you know, the continuation of removal of rocks, and the crushing of rocks, which I think is definitely not emergency.

But I do understand about the need for drainage. And, we just went through some flooding last night again in Kihei. And so, you know, I'm kind of torn too. I just wanted to express that. But, I, I do appreciate, you know, your being here and trying to explain what's been going on. Thank you, Chair.

CHAIR WHITE: Yea, the challenge, I think, is that we had work done that the Director deemed needed to be done. And we either forgo funding all the other projects that are, that are lined up by not taking money out of the Emergency Fund, or we replenish his funds out of the Emergency Fund and allow for other drainage projects to take place before the, before they become problems.

(Councilmember Crivello was excused from the meeting at 10:34 a.m.)

CHAIR WHITE: So, you know, the Chair's sense is that I think all of the work that was done was well intentioned. And I think from the Department's standpoint, they weren't necessarily the ones that were involved in the missteps or the misstatements with respect to handling certain situations. So, you know, I, I agree with Mr. Guzman's feeling that we're risking other, other challenges by not replenishing the funds of allowing other work to get done that needs to get done.

Further discussion, Members?

Ms. Sugimura, followed by Mr. Atay.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I want to, I'm going to support this, as I have friends who were affected by this, and I only can appreciate the County working fast to try to bring and restore their lives, so that it is a semblance of what they remembered before that September incident.

(Councilmember Crivello returned to the meeting at 10:35 a.m.)

COUNCILMEMBER SUGIMURA: I do know that, unfortunately, as my colleagues have said that some statements were made and then it got kind of heated and cultural, and apologize for that. But, in terms of the Department trying to do their best to solve a problem, I respect what they did. I think they did amazing things like procurement, or followed whatever they needed to do to make sure that they were spending public money or tax dollars wisely. I totally am amazed that they were able to do that.

I do want to, again, reiterate what I did yesterday when emergency or Civil Defense came before us about Anna Foust and working with the departments. And I heard from Senator Schatz's Office, I think his name was Pat Wong, from staff, and he, and we're sitting with all the NACo Counties and he sort of singled out Maui County as Anna Foust doing a good job and how she, you know, tried to maneuver or has been maneuvering FEMA through our emergency. And I think that all speaks loud, loudly for the passion and the commitment that our, you know, we have. And unfortunately, there are other issues that gets difficult and, you know, may cloud, you know, the bigger picture.

But, I, I share Member Hokama asking us to pass this, you know, so that we can take care of business. And, and, I totally support this, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Mr. Atay.

COUNCILMEMBER ATAY: Chair. I know we, we're here in Council meeting to move this forward. But, I sit here also to, to question and say, so how much, how much money are the Maui County taxpayers truly out with non-emergency work having being done? And in this request, I see 728,000 is being rejected by FEMA. So, I know the request came in and said, oh we need five million and we going get reimbursed by FEMA. But right here, the accounting shows that we not going get reimbursed by FEMA by 728,000. That's the Maui County taxpayer's money.

We get kuleana to question, you know, the expenses of the money. Yes, it's not the Department's fault for any kind of misstatements culturally, or otherwise from the Administration about the sacredness of the valley and the rocks. But, we still get kuleana about the money.

I will support Mr. Hokama to move this forward. But I think we need to ask ourselves to exercise hindsight. This is not the first FEMA related incident that this County has gone through, and yet, we act like this the first time.

Accounting, decision-making should be done. You give us this spreadsheet. I think, as a manager, I would say does this activity, will it be approved by FEMA? And if it's not, we got to decide; does this fit Emergency Fund use to address the safety of our people? But, to say go ahead do this activity, and then later we come back here; this event took place in September, here we are, you know, way forward and saying, no matter what you guys got to pay this. We not representing the whole Administration. The whole Department not representing our peoples.

So, I sit here, I question. I want to support this, I don't want to support this. But to move forward, we got to. But, we need to learn from hindsight. Next week going get one major storm. You better change your decision-making on how we going spend our money in the use of Emergency Funds.

CHAIR WHITE: I think everyone shares a bit of frustration. But, I think one of the questions we have to ask ourselves is how much is normally reimbursed by FEMA. We've had incidents before, and maybe Mr. Goode can share with us what the normal reimbursement rate might be, and how long it takes to get the final determination.

So, Mr. Goode.

DIRECTOR OF PUBLIC WORKS: Mr. Chair, and I, I understand the frustrations of Mr. Atay. FEMA never reimburses 100 percent. It's kind of like your insurance policy. You know, you have an in-house deductible, if you will, and that means that's, that's our skin in the game; we got to, we got to put some money in. So, every time we've had to deal with FEMA in the past, including in this example, even the work that's reimbursed is not 100 percent. It could be 85, 80, 75; it varies.

(Councilmember Cochran was excused from the meeting at 10:40 a.m.)

DIRECTOR OF PUBLIC WORKS: So, we'll always have some skin in the game. But, it is important for the Department to understand going forward. And I think it's, I'm glad to hear this is going to a Committee for discussion. Because, if we do have an event next week, you know, I may be reticent to start work if I don't know we're going to get reimbursed, right.

So, I need to understand the policy and the decision-making behind the use of the Emergency Funds, and know that if there's a possibility that our Department funds will get reimbursed. Otherwise, we're forced to make the decision of, well is this, should we spend money on this, or is there another project that we are working on that we should spend money on?

But, I think we were all under the impression that in this event, it was a significant emergency, and we needed to act, and we needed to protect the public, because we did everything we could. But, we certainly understand that it was going to cost us money, because we never get 100 percent reimbursement.

COUNCILMEMBER ATAY: So, Chair, Chair. But, I would expect the same response to think about the safety of our people. Let's get it done, but along the way we must also be thinking, will this event, this activity, this expense be reimbursed by FEMA? And if you

already know, using hindsight, and you using your best predictive skills through their previous process.

(Councilmember Cochran returned to the meeting at 10:42 a.m.)

COUNCILMEMBER ATAY: They're telling us no, we're not going to reimburse for this, no we're not going to reimburse for this. We already know what they not going give us money for. You got to sit there and then say, is this activity, this decision really necessary to tap our Emergency Fund. Or is this just an activity just to waste money for take care other people. We really got to look at, after our people's money and, and yes, as much as possible solve it with FEMA funds. But first, if FEMA not going cover, will this fund, this activity, the money we going spend, is it really that necessary now?

CHAIR WHITE: Thank you, Mr. Atay.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I too have been here all through this, like everyone else. I've heard all the public testimony. I've gone through all the written public testimony. I've gone over the documentation that all has been given to us, which is a lot. And I especially appreciate Mr. Atay's remarks, because they go very along the line of I'm feeling right now.

But, I think that after we've gone through all of this and gotten to this point, that the motion on the floor is the appropriate action that this Council needs to take as true representatives of our people, and to move forward and get it done. We do need to go over there and make sure that we have the hindsight looking at what happened.

But, I've been, I was with Civil Defense before too, and any event like we had over here is traumatic. And every event, we do mitigation afterwards, and look at what was done and how you get a policy how to proceed in the future. And that's where we need to go. We know what happened. We know what needs to be addressed. We need to sit down with our emergency agency and Public Works, and the others, and see the things that we didn't like and that needed to be done, or we thought needed to be done, and make it policy. And that's how we mitigate the damages that could be done next time.

But I think right now, the motion on the floor is the appropriate action to take, and I support it. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

And, I think we all support the discussion going to Ms. Cochran's Committee for further vetting, because it's, it's very important that Mr. Goode and his crew, and anyone else involved in responding to an emergency, has a clear direction from the Council as to what, you know, the degree to which we will have their back. And of course, we can be in consultation with them during that process. But, I think it would be healthy to have a Committee discussion in the appropriate Committee with Ms. Cochran.

Further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, and in closing, real briefly, yes, more than happy to take this into consideration to vet through. But I, and I think some of the key components in addressing is yes, in hindsight learning from our past mistakes what have you. Is for future reference, procurement process was not followed, needs to be followed. And any of these items that that didn't go through is not going to be FEMA reimbursed.

So, and there's just many more outstanding questions, so we hopefully can vet that through, cause I haven't gotten direct answers. It doesn't say it in here. I've got facts and figures, and companies' names, and this and that, but as I'm told and it's been stated I can pull minutes that no it wasn't done, because of emergency. And anyhow, Chair, there's so much more but everyone knows where I stand on this. Thank you.

CHAIR WHITE: Yea, the procurement code does allow for emergency procurement so, to say that it didn't go through the normal procurement processes is, is probably correct, but it is authorized.

Mr. Goode.

DIRECTOR OF PUBLIC WORKS: Yea, Mr. Chair, we followed all the procurement laws and rules that were in place, including those that were modified under the Governor's order. But this had, this event had local emergency declaration, State and Federal. So, that's I think part of the discussion we should have in Committee is, you know, when you have that, that triple layer of declaration, there's some expectation on behalf of some departments that there's, that's what the Emergency Fund is for. But, we followed all the procurement laws.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Yea, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, I just wanted to add that I know that Ms. Cochran and I had voted no on the initial five million. And I recall that the reasons being was this; we were waiting for this type of itemization, this chart that was given to us recently. Had we had this earlier on during the first appropriations, it would have been very helpful. But, I wanted to at least thank the Administration for providing this detailed information.

Getting to Mr. Atay's points that we, we do need to make sure that in the future, we have some type of template or ability to put this type of numbers or budgetary information together. And as we always have, the problem with having a new Mayor and a new Administration, a lot of information gets lost, and a lot of good things that are created also gets lost in the shuffle of a new Administration.

I would hope that in the future, in the next Administration, this type of template of, you know, categorizing and at least putting things together in a very common sense fashion would be maintained. So, hopefully that will be maintained, so it would be something that we can use as a template later on in the future. So, thank you, Chair.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I would like to say first of all that I want to thank the Public Works Department, because we were not aware of what took place in, in reference to the cultural protocol. And of course they didn't make it public, but they took care of the matter through consulting with cultural practitioners of the area through his Deputy Director. So, I just want that to be noted in record.

The other more pressing concern is, I'm going to respect the maker of the motion. I'm going to respect the, our Budget Finance Committee Chair. We all know that he will not just decide to recommend passage of this motion just because. We, we all know how sometimes we have to walk on eggshells in dealing with our budget with our Budget Chair, and for that reason enough.

And I go back again in referencing to the, the processes and the opportunities financially, and the fiduciary kuleana that this Council has allowed for the departments to respond to the safety of the public, because the funds were there. And, and now it's, from the maker of the motion is saying, okay gang, let's put this funds back in

preparation for the next emergency, not if, but for the next emergency that we will be readily prepared as we were to respond to our, our residents of Maui.

And for me, the details that our Budget Chair goes through is, I, I know he does not tread it lightly. And I also respect your leadership, Chair. And in, in far as the efforts to remind us that we have our fiduciary responsibility. So, for this reason, I as a Councilmember that serves all of Maui County, supports this motion that is set before us. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

And staff has mentioned to me that I misspoke. I think the Committee Report has the item being referred to PEA not to IEM.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Any further. Mr. Hokama.

COUNCILMEMBER HOKAMA: Yea, thank you. Just a few things listening to every Members very, you know, important comments. A few things, your, your, this, your Budget Committee is recommending to PEA because for one, we feel this subject covers many subject matter Committee jurisdictions. There's some with Ms. Cochran. Parks was involved, that's part of Mr. Guzman's Committee. Water, you know, that's Mr. Atay's Committee. That is why your Budget Committee is recommending Policy as the catchall for multiple subject areas to continue the review.

The comments I'm hearing justifies the finance portion of your Committee's title; Budget and Finance. That's the accounting side. And usually like any type of review such as audits, it's a post-event review, okay. It is after the occurrence has happened. It is after monies have been spent. Then we do the review.

Hearing the Members, I think a review of this specific catastrophic event might warrant not only the subject matter, procedures, but also the financial review. That is the appropriate process and the next steps for this body. I don't think holding up this replenishment of the Emergency Fund is good for the community in general. I don't question the sincerity of each Member's comments about having a appropriate review both financially, procedurally, of the event to improve how we respond for future emergencies. I think that's a rationale, reasonable request.

So, Members, this doesn't end with this vote for the final passage vote. This will be a continuing process for us to review how to respond. And because, we're islands, we know we're going to have a tsunami, eventually. We will have another hurricane; we

know that. So, my thing, Chairman is it's appropriate for the review. But that is post-event occurrences and review of the money. So, if you want an audit, we'll do the audit; something that makes sense. If we do, we can do it.

But, Members, right now it's about today and tomorrow, and how to respond if another occurrence happens. Okay, that is your Chair, your Committee Chair's key priority now; public safety, Chairman. Thank you.

CHAIR WHITE: Thank you, Chair. And you know, I would just like to add that a lot of, we're kind of left in a Monday morning quarterbacking position. But, I think all of us have a level of high respect for Mr. Goode and his openness and willingness to communicate.

So, if, you know, maybe to avoid the kind of challenges we've had with this, it might be helpful if next time, as the emergency is being dealt with, he communicate or we ask him, or we get involved in, in providing, maybe one of us is assigned to get information as things are transpiring so that what is taking place could be communicated back to us in a way that can be distributed. And that way, we'll know firsthand what kinds of decisions are being made and why. So, anyway that's, that's my thought.

And I, I realize that, you know, we've all, we normally have a two time, you get to speak two times. But, Chair is comfortable not recognizing that in this situation because I know it's a, it's one that everyone's very much invested in, and we need to vet it out.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, I jog my memory about a special Council meeting we had on the floor. David Goode was here. We had questions with Corporation Counsel. They called Mr. Goode down and it was in reference to the procurement process at that time. And it was said on the floor, we don't, we didn't need to do it. We didn't know we needed preapproval. We didn't need to do it because it was under emergency reasons. That is what was said on this floor by David Goode.

Today he sits here, and he tells us total opposite. So, to hold them in high regards, okay. But, I don't like how we're put into this predicament. As Mr. Hokama is saying, it's something that we need to do, I agree. But, you know, my question then to Budget and Finance is what is the recourse for a Department that made wrongful decisions, that did not do it in the proper way?

So now we're paying the price. This community is paying the price by not getting FEMA reimbursements and what have you, all the, all the way down the line. All the complaints, the cultural aspects that was after the fact; after rocks were crushed, after Rowena was asked on the spot at the rock crushing site, at the landfill, what are you

doing with these? And she said verbatim, "oh why is it illegal or something?" And she, no, no, no, we're not crushing. It goes on and on, Chair. So, yea, I'd like to get this totally vetted.

But right now, I think we are in a predicament. But I get it. Money needs, was expended and we need to replenish. But I'll tell you, someone needs to pay, and to me, it shouldn't be the innocent taxpayer dollars. It should be the Department, the people who made those wrongful decisions, and who came here in front of Corporation Counsel, and everyone else to say totally opposite what I'm hearing today. So, that's just, what is the recourse? I don't even know.

CHAIR WHITE: Yea, in fairness to Mr. Goode, I'm not sure that you heard a contradiction today. Basically, the, the emergency declaration allows for a different procurement process. And it's, you know, it's, and we have to have that capacity to do that, because as you all know the, the procurement process is cumbersome and time consuming. And the outcomes, the decisions can be challenged by one of the, one of the bidders. And we don't get the job done, we don't get the emergency dealt with in an appropriate way.

But, I'll let Mr. Goode respond if he'd like to.

DIRECTOR OF PUBLIC WORKS: Chair, I have nothing further to add.

CHAIR WHITE: Okay. Thank you.

Members, any further discussion? I think we've, we've exhausted the discussion at this point. And I appreciate everyone's mana`o on this. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

CHAIR WHITE: We have, the measure passes with eight "ayes", one "no"; Ms. Cochran.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 49 (2017).

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

CHAIR WHITE: Thank you very much.

Members, thank you for your time this morning, and--

COUNCILMEMBER CRIVELLO: Photo op.

CHAIR WHITE: --we have a request for a picture to be taken for the HSAC, for something for HSAC. So, I don't know, I guess we gather here?

COUNCILMEMBER CRIVELLO: Yea, right up there. The photographer is here. This is for the HSAC State Conference photo booklet. Kit is here.

CHAIR WHITE: And with that, we are adjourned.

ADJOURNMENT

The regular meeting of April 21, 2017 was adjourned by the Chair at 10:59 a.m.

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

170421/lks:jm

molokai vacation rental cap

RECEIVED
2017 APR 20 AM 8:06
CLERK OF THE COUNTY OF MAUI

Laa Poepoe <poepoelaa@gmail.com>

Wed 4/19/2017 9:27 PM

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

I support a cap for strh/tvr/bb on molokai, and recommend an addition to the proposal to include a sub cap for the puko'o area of no more than 2 of any type rental. my reasoning is as follows: the properties were promoted as income property on an island with a shortage of affordable homes for local residents, houses are meant to be lived in, not rented out for a weekend. all but one of the owners of the rental homes manage the properties from outside of Hawaii (no family history/connection to molokai) I question their intentions and contributions to the community. the proximity/density of the proposed and existing rentals resemble a resort zoned area, defeating the purpose of a rural zoned ag district. I believe the subsistence lifestyle of molokai is being threatened by the impulsive business decisions of the wealthy.

it would be irresponsible to continue to allow the expansion of vacation rentals in our neighborhood.

thank you for your time,
La'akea Poepoe, puko'o resident

2017 APR 20 AM 8:06

April 19, 2017

Aloha,

This letter is written in support of the proposed bill to amend the comprehensive zoning ordinance relating to short-term rental homes on Molokai. More specifically, this item is listed on the agenda for the April 21, 2017 Council Meeting as: NO. 17-173 By Council Member Crivello.

I am in full support of establishing a "cap" on STRH's on Molokai but am concerned that the proposed cap for the East End of 15 permits is still too high considering that most of the 15 STRH's will be condensed in the very small, very rural neighborhoods of Puko'o and Waialua, which are located on the East End of Molokai.

Lands and homes in Puko'o and Waialua are highly desired by potential STRH operators because of the pristine oceanfront or easy ocean access qualities. These areas of Puko'o and Waialua are only about a quarter mile each. Because STRH's are clustering up in these two particular neighborhoods (it is literally one next to another next to another all down the line), the negative impacts are concentrated and are harder to absorb than they would be were these STRH's more evenly spread out across the entire district.

I live in Puko'o, in the heart of the STRH's. My family has been here for over two centuries. The character of Puko'o is quiet, rural, subsistence, family oriented. I am quickly seeing that character disappear. Puko'o was once a neighborhood that was mainly comprised of long-time local residents who lived in modest housing, worked, paid taxes in, and raised children in the Molokai community. We were friends and family. We all felt the struggles that come with living in our rural subsistence environment. We all felt the same appreciation for it as well.

Now days, availability of affordable long term housing for rent or purchase in Puko'o is unattainable to the average income Molokai family because of the development of luxury resort style homes that are being used as STRH's and are valued in the near millions of dollars. Because of that I no longer have that safety of knowing who is around me, of being able to have neighbors I know. Now my neighbors change sometimes on a daily basis. There are strangers constantly wandering the streets, and I don't feel that same safety that I used to. Puko'o is zoned "rural/agriculture" yet it is being blatantly used and exploited as if it is zoned "resort business district".

I am really concerned that if protections aren't put in place to address the proximity/density issues of STRH's that are already apparent and existent in Puko'o, the rural/subsistence/agricultural character of community in the Puko'o neighborhood will be destroyed and replaced with a luxury resort style character. Puko'o must be protected and I am trying my best to fight to maintain that integrity of community.

Again I fully, whole heartedly support putting a "cap" on STRH's on Molokai with the recommendation that the area of Puko'o which is located within the East End have a "sub cap" of no more than 2 permitted STRH's in Puko'o. I noticed that Maui Meadows has a similar provision so I do know that it is possible. I am currently drumming up support with the circulation of a petition specific to Puko'o to demonstrate community support for stricter STRH permitting limits for Puko'o.

Mahalo,

Mahina M. Poepoe

RECEIVED
2017 APR 20 AM 11: 33
OFFICE OF THE
COUNTY CLERK

Jim Smith
99 Kapuai Road
Haiku, Maui, Hawaii 96708

Testimony regarding Committee Report (CR) 17-59 of the **Budget and Finance Committee**

Aloha,

The Committee Report referenced above recommends adoption of legislation that sets policy related to concessions and sponsorships in county parks and recreational facilities. The legislation replaces the idea of community with that of market driven opportunity.

There is one proposed provision that appears to improperly transfer to the Director of Parks and Recreation the Council's duty and responsibility to set fees, rates and assessments (See Maui County Charter at 3-6 **Powers of Council** . 1)

The proposal at Article 8 Section 13.04A.430 (E) Value states: "Sponsorship agreements shall be valued by the director in an amount commensurate with the relative value of the benefit conferred upon the sponsor." The Director is empowered to set a fee, it determines "commensurate" with the benefit conferred by the sponsor. Certainly, the Council has experience setting fees related to benefit, see specifically, property tax rates, water rates etc. But, more importantly, your legislative act of setting rates assures equal treatment. This principle established by Charter appears abandoned by this legislation.

The legislation needs more time in deliberation. The budget ordinance provides a specific provision setting forth rates and fees separate from income generated by property tax so there appears time for additional review. I request that you remove the offending provision. 13.04A.430 E Value.

Mahalo,

Jim Smith
April 21, 2017

MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

RECEIVED
2017 APR 20 PM 3:

Testimony on CR 17-59
Re: Concessions and Sponsorships in County Parks and Recreational Facilities
before the Budget & Finance Committee
Friday, April 21, 2017

Dear Chair White, Vice Chair Carroll &
Members of the County Council

Aloha and Mahalo for the opportunity to provide testimony on this matter. As an organization that supports businesses, we always appreciate appropriate and fair opportunities for businesses to market, promote and expand their businesses that help support our economy and sustain our island and quality of life.

Further, we appreciate that the County is looking at its assets and exploring ways in which is can raise additional funds that may help to offset tax burdens for residences or expand services.

We also recognize that this is an initial step in considering concessions and sponsorships in County parks and recreational facilities and therefore offer the following comments at this point.

Under section 13.04A.430 Sponsorship Agreements, it appears that there is no system in place for sponsorship determination and that this is left to the discretion of the Director. If that is the case, we feel this discretionary power is too broad. Sponsorships should be equitable and fair. We suggest sponsorships be a bid system or awarded on a first come first serve basis, if sponsorship levels are created, for those who meet the sponsorship criteria. Given how long this has been considered, we hope there are sponsorship models in line and look forward to hearing more about them.

Lastly, there has been talk about creating concessions for Commercial Ocean Recreational Activity (CORA) operators. We understand that this current bill is about refreshment concessions, but if at any point the County is considering broadening it to include CORA operators, then we ask that the Parks Department work with CORA operators on a plan and winning compromise to ensure these long standing businesses are not put out of business.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

RECEIVED
2017 APR 20 PM 3:15
OFFICE OF THE COUNTY CLERK

Testimony on Bill 43
Re: Updates to Chapter 16.3, Maui County Code, Relating to Commercial Signs
Before the Maui County Council
Friday, April 21, 2017

Dear Chair White, Vice Chair Carroll &
Members of the Council

Aloha and Mahalo for the opportunity to provide testimony on this matter.

We support this proposed bill that seeks to clarify an ordinance that has been difficult for businesses to understand in the past. The proposed bill will support broader signage uses, will address the issue of drive-through signs, and will update the ordinance to be current with new laws and rulings.

We appreciate the Planning Department being proactive on this and wholeheartedly support this bill.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

FW: Road Closure

RECEIVED
2017 APR 20 PM 3:35
COUNTY CLERK
MAUI COUNTY, HI

Mike White

Mon 4/17/2017 10:01 AM

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

1 attachments (2 MB)

Road Closure;

From: David Goode [mailto:David.Goode@co.maui.hi.us]
Sent: Monday, April 17, 2017 9:59 AM
To: Mike White <Mike.White@mauicounty.us>
Cc: Keith Regan <Keith.Regan@co.maui.hi.us>; Lynn Araki-Regan <Lynn.Araki-Regan@co.maui.hi.us>; Rowena Dagdag-Andaya <Rowena.Dagdag-Andaya@co.maui.hi.us>
Subject: Fwd: Road Closure

Hi Mike, as the Emergency Fund request works its way through the Council, the attached sinkhole we were fortunately able to handle with in house crews from Hana. If it had been larger, we would be unable to fix until such time as we get funds back into our Countywide Drainage CIP account. Pls pass this along to the members for their info.

Thanks, Dave

>>> John Smith 4/12/2017 10:43 AM >>>
FYI

Road Closure

Gary Ambrose <Gary.Ambrose@co.maui.hi.us>

To:Lois Whitney <Lois.Whitney@co.maui.hi.us>; Rod Antone <Rod.Antone@co.maui.hi.us>;

Cc:John Smith <John.Smith@co.maui.hi.us>;

5 attachments (2 MB)

IMG_1319.JPG; IMG_1320.JPG; IMG_1321.JPG; IMG_1322.JPG; IMG_1323.JPG;

Aloha All,

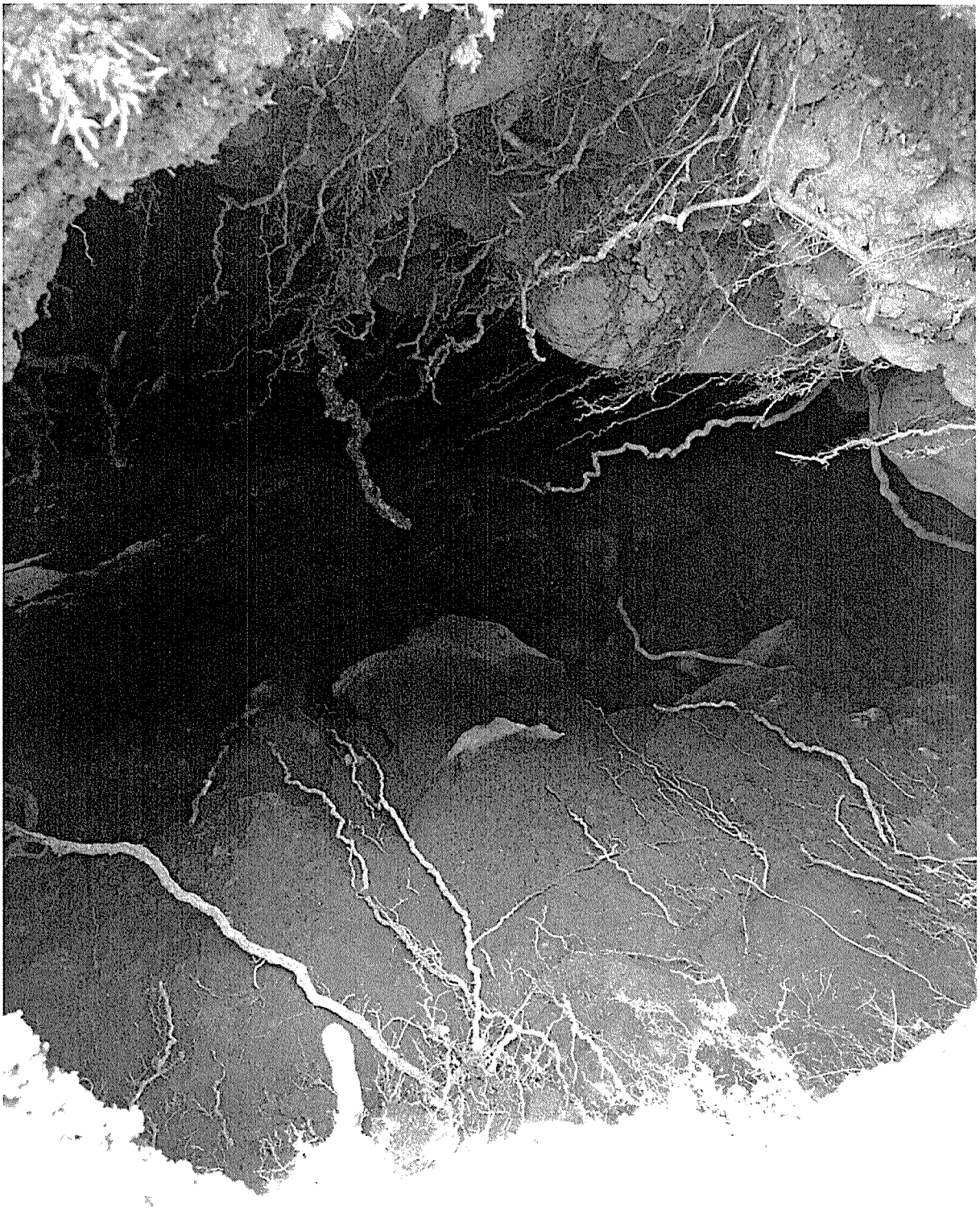
I have been informed that we have a sink hole on the Hana side of Kalepa. See attached photos. Hana district has mobilized and is trying to repair sink hole today. Estimated time of completion is around 5-6pm. I will update you with any changes to plan.

Thanks Gary

Full screen

Full screen

Full screen



Full screen

Full screen

FW: STRH Bill, Council Meeting, April 21, County Communication # 17-173

RECEIVED
2017 APR 20 PM 3:47
OFFICE OF THE COUNTY CLERK

Stacy S. Crivello

Thu 4/20/2017 3:40 PM

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

-----Original Message-----
From: Luigi Manera [mailto:luigi@luigimanera.com]
Sent: Thursday, April 20, 2017 8:07 AM
To: Stacy Helm Crivello <stacy.c63@gmail.com>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>
Cc: Tina Thompson <Tina.Thompson@mauicounty.us>
Subject: STRH Bill

Aloha Stacy,

Yesterday late afternoon I had a long talk with Tina on the phone. I don't know if she mentioned it to you but this is basically what we talked about.
Regarding the Resolution coming before the Council on Friday's agenda to amend the STRH rules to place a cap on the number of permitted rentals on Molokai.

On the resolution itself, in the second paragraph it says the MOPC reviewed legislation in 2011 & 2012. This makes it look like the MOPC review was five years ago. I know in fact that mid last year (2016) the MOPC heard a presentation by Gina Flammer regarding the proposed changes to the STRH ordinance and the MOPC gave a recommendation to not place any caps on the number of rentals. This is critical information that is missing from the resolution that the Council will not have the opportunity to use when making a decision. It misrepresents the facts of the issue. I'm sure it was unintentional, but it needs to be corrected nonetheless.

Paragraph 5 says that it is now the community's desire to set a cap for the max number of rentals. Who is the community? Is it the same handful of people that grumble about everything? I'm part of the community and I don't support this, and there are many others with this same position. It might be useful to change the language to say the desire of some in the community.
Also the MOPC is made up of community members and represents the community and their position is contrary to the intent of this rule change.
It seems this statement is untrue and it would be unfortunate if this misrepresentation also remained uncorrected.

The reason all this is happening is after years of dealing with illegal rentals the county finally came up with a way for people to become compliant and get a permit, but that process was interrupted last year until the council could pass the amnesty law and by the time the department got everything in place to accept applications it was a few months after that before anything was accepted and any movement happened. That's why it looks like there is an influx of STRH applications because everybody came in at one time. And all the applications that came in, and I mean ALL, were from properties and owners that have been renting illegally, and still renting for years and years. There aren't any new ones.

The only thing is the same people who move forward in the process. And part of the process is to put a sign in front of the house, and now everybody sees the signs and thinks now Molokai is going to become saturated with STRH's. But the reality is, before they used to cash in. Now they have to pay taxes, GET, TAT, Property Taxes. But it is the same properties and the same people renting for the longest time.

Something you might want to know, since I'm doing most of these permits through my office. Right now at the west end, we don't have any applications that haven't been submitted. There are a few on the agenda and upcoming agendas, then it's over for the west end. Nobody else asked me to apply and I think I'd hear about anyone interested.
In the central area we have one possible application on Beach Place and two pending submittals in the fish pond cottages. In this area, we also don't have anybody waiting to submit and nobody has inquired either.
On the East end, as of today we have two applications ready to be submitted in the next couple weeks and that's it. Nobody else waiting and no inquiries. I think in my opinion and what I've seen in the last few months we've reached a point of saturation in the market. There are no more homes from east to west that are likely to submit for STRH.
We actually have a number of properties that have been sold and the permits are no longer valid. Two on the east end and one on the west end and the new owners don't want to apply for a short term rental.

My point is, it's really too soon to place a cap on the number of rentals. This will self-regulate on its own. This is a waste of time for everybody.
I don't want to offend anybody, but this is my opinion. And since I do most of the applications, trust me, I know what I'm talking about.

On a totally different note, since we don't have enough hotel rooms to accommodate visitors to Molokai, by doing this, we're closing the door on any future STRH operations that will help our fragile tourism economy.

Let me know if you want to talk to me about this. I'd love to talk to you Stacy. I truly value our relationship and want to keep an open and honest dialogue.

Feel free to call me 808 870 3499.

I don't know if I'll be able to testify at the hearing on Friday morning. Please submit this as my testimony to the full council.

Mahalo,
Luigi Manera

Please make a note of my new email address luigi@luigimanera.com and begin using this from now on.