

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**
Council of the County of Maui

CANCELED AT MEETING DUE TO LACK OF QUORUM

FORMAL RECEIPT OF TESTIMONY AND PRESENTATION

M I N U T E S

Council Chamber

September 11, 2018

CONVENE: 1:30 p.m.

PRESENT: Councilmember Elle Cochran, Chair
Councilmember Yuki Lei K. Sugimura

EXCUSED: Councilmember Don S. Guzman, Vice-Chair
Councilmember Alika Atay
Councilmember Robert Carroll
Councilmember Riki Hokama
Councilmember Mike White

STAFF: Maggie Clark, Legislative Analyst
Stacey Vinoray, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone
conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone
conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference
bridge)

ADMIN.: David Goode, Director, Department of Public Works
Richelle Thomson, Deputy, Department of Corporation Counsel (in at
1:40 p.m.)

OTHERS: John Ammerman
Joseph Blackburn
Plus (6) others in the gallery

PRESS: *Akaku Maui Community Television, Inc.*

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CHAIR COCHRAN: . . . *(gavel)* . . . Aloha, will the Infrastructure and Environmental Management [*sic*], please come to order? I am Councilmember Elle Cochran, the Committee Chair. And with me today is the one and only Ms. Yuki Lei Sugimura. . . . *(laughter)* . . . So we got two of us which does not equate to a quorum, unfortunately. And Vice-Chair, Don Guzman, excused; Mr. Alike Atay, excused; Mr. Bob Carroll, excused; Mr. Hokama and, also, Mr. White. So, Members, or Member, please be advised that due to the lack of quorum this meeting of the Infrastructure and Environmental Management [*sic*] is canceled. This is pursuant to HRS 92-2.5. The Committee will be taking testimony on the items on today's agenda; However, we are...I must remind us, Ms. Sugimura, that -

COUNCILMEMBER SUGIMURA: No questions.

CHAIR COCHRAN: -we may only ask questions, yes, of the testifiers but no deliberations or decision-making will take place today. We do not have Corporation Counsel. We just have Director Goode of Public Works, it looks like. And, of course, from Committee Staff we have Secretary, Ms. Stacey Vinoray. Thank you, and Legislative Analyst, Maggie Clark. Thank you, ladies. Over in Hana, do we have Ms. Lono in Hana? Are you there?

MS. LONO: Yes, good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR COCHRAN: Anyone there to testify?

MS. LONO: There is no one waiting to testify.

CHAIR COCHRAN: Okay, over on Lanai, Ms. Fernandez, anyone there or are you there?

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

CHAIR COCHRAN: Thank you, Ms. Fernandez. Molokai, Ms. Alcon?

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

CHAIR COCHRAN: Thank you, ladies. And so, we have a few agenda items on today's...we have IEM-81, this is Visitability Standards in the County's Building Code. IEM-83, Amending Sections of 10.48.220 and 10.56A.010 of the Maui County Code, which Relates to Tow Away Zones and Loading Zones. IEM-66, Dedication of Roadway Lots in Wailuku Country Estates Subdivision, Tax Map Key (2) 3-3-017:189 and a Grant of Non-Exclusive Easements over Waihee Ditch, Tax Map Key (2) 3-3-017:186.

CHAIR COCHRAN: So at this time, I'm going to ask if there's anybody here in the gallery wanting to come for any testimony, yes? All right, and if you haven't signed up at the

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front desk please, well you can come up and testify then fill out the forms afterwards. I believe there's just two of you so come on down to the podium here and you'll have three minutes testify on any of the agenda items. And state your name and any one or organization you may be representing.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. AMMERMAN: Okay, my name is John Ammerman. I'm a resident at the Wailuku Country Estates.

CHAIR COCHRAN: Okay.

MR. AMMERMAN: I'm here today to testify with regards to the granting of the roads over to the County. So, first of all, I'd like to thank you for your time on having me here today to speak. It is my perspective as a homeowner on this matter, that the road dedication to the County of Maui from Wailuku Country Estates should commence. To begin with, it's important to understand that the roads were never intended to be entirely private at the community. That there was a failure on the part of the developer who basically abandoned the project before its completion. And so, what that ended up doing was taking and bestowing the burden of the road dedication onto the lot owners. So, at that point, the community had a decision to make: either it could essentially keep the roads private, or it could work together in order to get them dedicated to the County. It was basically agreed upon by the homeowners at the time that having a private infrastructure system like that wasn't in character with the community. That sort of a situation is more exclusive and tends to create more insular neighborhoods. And that was never the intention or the goal of the community. So, over time it's been rather inspiring to see the countless thousands of hours, really, that volunteers from within the neighborhood have committed to this project. In addition to nearly a quarter of a million dollars at this point. The money has mostly gone towards improvements in terms of both the road, the infrastructure, and the drainage system, as well as, the legal agreements such as the easement clarifications. All of that work has been done voluntarily and that money has been given by the homeowners themselves not the developer that as I had said kind of abandoned the situation. So, as you can imagine during the process the goal post by the County has been moved several times. That's to be expected. Along the way the Country Estates has met those challenges in the spirit of cooperation. Therefore, at this juncture because every one of the requirements has been met as I'm aware, it's now time for the County of Maui to accept the road dedication from the Wailuku Country Estates and bring the community into the County fold. Thank you.

CHAIR COCHRAN: Okay, thank you for your time. And one quick question, sorry.

MR. AMMERMAN: Yep.

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CHAIR COCHRAN: Who, what's – who's the original developer? Do you know the name? Or would that be Mister, maybe –

MR. AMMERMAN: It's Joe, Joe Blackburn can provide that.

CHAIR COCHRAN: Mr. Blackburn when he comes up can maybe answer. Thank you.

MR. AMMERMAN: Yeah, he has all of the technical clarification for you today.

CHAIR COCHRAN: Oh, gotcha. Okay, we'll wait for his testimony then. Thank you.

MR. AMMERMAN: Do you want me to check in now or after all the testimony?

CHAIR COCHRAN: Up at the front desk, the desk out in the lobby you can just sign the forms. Thank you.

MR. AMMERMAN: Thank you.

MR. BLACKBURN: Okay.

CHAIR COCHRAN: Yeah, . . . *(inaudible)*. . .

MR. BLACKBURN: Good afternoon.

CHAIR COCHRAN: Good afternoon.

MR. BLACKBURN: Joe Blackburn. We've visited each other before.

CHAIR COCHRAN: Yes.

MR. BLACKBURN: And I'm talking as a homeowner and, also, as the Managing Agent. And I just want to thank the County Administration. Our Wailuku Council person who actually took the time out to tour the subdivision with me to address concerns. David, whose been wonderful and the Council people who are here today. It's been over a 10-year road and along the way, you know, we tried to do as much as we can, and we've learned a lot and we just want to be part of the County of Maui community. And we're excited for this day and hopefully we'll be excited when it gets rescheduled and I'm here to answer any questions.

CHAIR COCHRAN: Thank you. Mr. Blackburn, you heard my question, the original developer?

MR. BLACKBURN: The original developer was Brian Anderson, and it was under an LLC. I believe it was CGM, LLC. And pretty much what happens is the developer, once they get their money, they may or may not fulfill their promises to the community and to the County. And that this is pretty much what happened in this case.

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CHAIR COCHRAN: Okay, well thank you for that and yes, I'm looking forward to rescheduling so we can have a better thorough discussion on this. Ms. Sugimura, did you have anything?

COUNCILMEMBER SUGIMURA: Thank you for being here. So, Mr. Blackburn, where did he, is he not here on the island anymore or what happened to him?

MR. BLACKBURN: The...operation moved to the Big Island, I believe, and we are still in contact with his son and we were able to get things under an HRS Statute that allows them to sign continuallig [sic] as CGM even they really haven't done much. So, we've been able to do all the necessary paperwork and this is in cooperation with DSA and Public Works and Corp. Counsel.

COUNCILMEMBER SUGIMURA: So, one more question.

CHAIR COCHRAN: Yes, go ahead, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So you're basically saying that what the community has done by putting your testimony together is that what the community has done is taken the, what the developer left to you and put it into a standard that is agreeable to the County of Maui? So you've done all the upgrades needed so that our, whatever, Public Works would accept this? Is that what you're saying?

MR. BLACKBURN: Yes, we've gone through the punch list with Public Works and the deed review with Corp. Counsel and Engineering, and all the various departments, yes.

COUNCILMEMBER SUGIMURA: Thank you.

MR. BLACKBURN: Did I answer your question?

COUNCILMEMBER SUGIMURA: Yeah.

MR. BLACKBURN: Okay.

CHAIR COCHRAN: Okay, thank you, Mr. Blackburn and we'll see you again when we reschedule.

MR. BLACKBURN: Thank you, hopefully it's not raining next time.

CHAIR COCHRAN: Okay, alright. Thank you for your time today. Alright, do we have anyone else in the gallery that wants to sign up for some testimony? Does not look like it. So Ms. Sugimura, if you do not object I shall now close public testimony.

COUNCILMEMBER SUGIMURA: No objections.

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. . . END PUBLIC TESTIMONY . . .

CHAIR COCHRAN: Okay, thank you. And looks like we have Corporation Counsel Ms. Richelle Thomson here. Aloha. At this time, I mean that's, we have no more testimony and we cannot deliberate today at all. So, this meeting of the Infrastructure and Environmental Management [sic] is canceled and it's also being adjourned. Thank you. . . . *(gavel)* . . .

ADJOURN: 1:40 p.m.

APPROVED BY:



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

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Transcribed by: Stacey Vinoray