

INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE

Council of the County of Maui

MINUTES

Council Chamber

October 1, 2018

CONVENE: 1:50 p.m.

PRESENT: Councilmember Elle Cochran, Chair
Councilmember Don S. Guzman, Vice-Chair
Councilmember Alika Atay
Councilmember Riki Hokama
Councilmember Yuki Lei K. Sugimura (arrived at 2:45 p.m.)

EXCUSED: Councilmember Robert Carroll

ABSENT: 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 Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel
David Goode, Director, Department of Public Works
Travis Arase, Police Officer II, Department of Police
Shane Yoshida, Police Officer III, Department of Police
Corey Tom, Police Officer III, Department of Police

OTHERS: Kent Carlson
Joseph Blackburn
Dr. David Leake

Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*

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CHAIR COCHRAN: . . . *(gavel)* . . . Aloha, will the Infrastructure and Environmental Management please come to order. Today is October 1, 2018, and the time is 1:50 p.m. I am Councilmember Elle Cochran, Committee Chair. At this time, please silence cell phones or any noisemaking devices please. Thank you. And in attendance today is Committee Vice-Chair, Mr. Don Guzman.

VICE-CHAIR GUZMAN: Good afternoon, Chair. Thank you.

CHAIR COCHRAN: Good afternoon. Mr. Riki Hokama, aloha. And Mr. Alika Atay

COUNCILMEMBER ATAY: Good afternoon.

CHAIR COCHRAN: To be joining us later will be Ms. Yuki Lei Sugimura, and Bob Carroll is excused, and Mike White is absent. From our Administration we have Mr. David Goode of Public Works, Director of Public Works. Also, Mr. Galazin, our Corporation Counsel, hello. From, we will be having Department of Police here, it looks like Officer Shane Yoshida, Officer Corey Tom, and Officer Travis Arase are here in attendance. Our Committee Staff, we have Legislative Analyst, Maggie Clark, and Committee Secretary, Stacey Vinoray. Hana, we have Ms. Lono, Lanai, Ms. Fernandez, and Molokai, Ms. Alcon. Joining us via video stream is going to be David Leake who is a retired faculty member for the Center on Disability Studies at the University of Hawaii, Manoa campus. So, today, Members, we have three items. That would be IEM-81, the Visitability Standards in the County's Building Code; IEM-83, Amending Sections 10.48.220 and 10.56A.010 of Maui County Code, Relating 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. And, Members, all three of these items were scheduled for the Committee's meeting of September 11th of 2018. That meeting was cancelled. Testimony was received pursuant to HRS 92-2.5(d). And Members in attendance were able to ask questions of testifiers, but no deliberations or decision making took place. HRS 92-2.5(d)(3) provides that before its deliberations or decision making at a subsequent meeting, the board shall A, provide copies of the testimony presentations received at the Council meeting to all members of the board and B, receive a report by the members who are present at the Council or terminated meeting about the testimony and presentations received. No presentations were received at that meeting. Staff will now distribute copies of the testimony. The only Members present at that meeting on September 11th were myself and Committee Member Yuki Lei Sugimura. I offer the following summary of our testimony, of testimony on our behalf. The Committee received testimony on IEM-66 from Jon Ammerman, a resident of Wailuku Country Estates. Mr. Ammerman also provided a written copy of testimony. He stated that his perspective as a homeowner on the matter was that the road dedication to the County from Wailuku Country Estates should commence. Please see his written testimony for a full explanation of his position. The second and final testifier was Joe Blackburn, as a homeowner and

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managing agent for Wailuku Country Estates. Mr. Blackburn also submitted written testimony to the Committee via e-mail on September 7, 2018, which can be found on Granicus. Mr. Blackburn stated that the original developer was named Brian Anderson under CGM, LLC. He also stated that while the developer is no longer on island, they have been able to complete paperwork in cooperation with Public Works and Corporation Counsel. Councilmember Sugimura also asked whether the community association and homeowners had completed upgrades to infrastructure to conform to County standards, and Mr. Blackburn stated they had worked with Public Works and Corporation Counsel to do so. The Committee is also in receipt of written testimony from three other individuals. The testimony, as with all testimony, is available in Granicus. Members, this does conclude my report. And at this time, we shall now take public testimony and anyone wishing to testify, please sign up at the front desk and please testify on the items on this agenda today. And you will each, you will be allowed three minutes per item. So, at this time, and when testifying state name or any organization you may be representing. So, at this time, Ms. Clark, is there anyone signed up for testimony in the Chambers?

MS. CLARK: Madam Chair, the first person signed up to testify is Kent Carlson, testifying on IEM-66.

CHAIR COCHRAN: Thank you.

MS. CLARK: He will be followed by Joseph Blackburn.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. CARLSON: Good afternoon, Madam Chairman, Members. My name is Kent Carlson, and I'm a member of the Board of Directors of the Wailuku Community Association, Homeowners Association, Wailuku Community Estates Homeowners Association, and I'm here today to ask for your kokua in passing this road dedication, Wailuku Country Estates road dedication agenda item IEM-66. I have a particular affinity to this area, to the area of Wailuku Country Estates because in 1961, as a Baldwin High School graduate, or Baldwin High School, I was just graduating in '61. Wailuku Sugar Company, when there was a Wailuku Sugar Company, hired a bunch of school boys to do . . . (*inaudible*). . . in the summertime and I was one of those, and did a whole lot of work on that when it was sugar prior to, prior to the mac nut days, and prior to Wailuku Country Estates. So, I've always had a soft spot in my heart for that place. I've been on the board for five years and I know I think for the last ten years the board has been attempting to do everything necessary, everything that the County has asked to get the roads dedicated. And we have spent in the neighborhood of \$250,000 doing that. And it's my belief that we have done everything that the County has asked for. So, that being the case, again, I ask for your kokua on this item. Thank you.

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CHAIR COCHRAN: Thank you. And, Members, any need for clarification of our testifier? Seeing none, thank you for your time today.

MS. CLARK: Madam Chair, the next person signed up to testify, and the last person signed up to testify in the Chamber is Joseph Blackburn, testifying on IEM-66.

CHAIR COCHRAN: Mr. Blackburn?

MR. BLACKBURN: Madam Chairperson --

CHAIR COCHRAN: Aloha.

MR. BLACKBURN: --Councilmembers. Joe Blackburn, I live there and I'm also the managing agent for the subdivision, and I've testified and provided written testimony. I'll give you my story of how I fell in love with the place. I was flying on a rescue mission with Don Shearer over the valley and up towards the mountains towards Iao, 'cause that's how we take the shortcut to Lahaina, and we were looking down and I go, oh man, I love that area. And he said, you know, Joe, I think there might be a, some lots for sale there, and that's how I found the area. And I just love living there and we want to be a member of the community, we want our country estates to be open to the community so people can come up, buy sweet corn from Ann Emmingsley [sic], you know, just get eggs from me, you know, just be part of an agricultural residential area, you know. It's hard to be a farmer now days. But you can love to grow, and you can love agriculture. And our board has worked diligently. I've worked probably 1,000 hours on this. And I think we're at the end of the road. I truly appreciate David Goode for answering my e-mails all the time and dealing with me and my sometimes veracity in trying to get this done. So, please acknowledge our really heartfelt attempts to be part of the community and to meet the standards of the community. Thank you.

CHAIR COCHRAN: Thank you, Mr. Blackburn. Members, any need for clarification? Seeing none, thank you for your time today.

MR. BLACKBURN: Thank you.

MS. CLARK: Madam Chair, there is no one else signed up to testify in the Chamber at this time.

CHAIR COCHRAN: Okay. Let me check our remote testimony sites. In Hana, Ms. Lono, do you have any testifiers?

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

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CHAIR COCHRAN: Thank you, Ms. Lono. Over on Lanai, Ms. Fernandez, anyone there to testify?

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. Over on Molokai, Ms. Alcon, anyone there to testify?

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

CHAIR COCHRAN: Ladies, thank you so much for being there. And I don't believe there's anyone else signed up in the gallery. So, Members, without objections I shall now close public testimony.

COUNCILMEMBERS: No objections.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR COCHRAN: Thank you very much.

IEM-81 VISITABILITY STANDARDS IN THE COUNTY'S BUILDING CODE (CC 18-198)

CHAIR COCHRAN: Okay. So, moving into our first item we have IEM-81. This is the Visitability Standards in the County's Building Code. Members, please make sure your microphones are turned off and the green light is not on while we receive this video conference presentation to avoid feedback and technical difficulties. The Committee is in receipt of County Communication 18-198, from me, transmitting a proposed resolution to urge the Department of Public Works to propose the incorporation of visitability standards into the County's Building Code for new residential construction, conduct an analysis of the feasibility of incorporating such standards, and report back to the Council on the Department's findings and recommendations for appropriate legislation. The Committee is also in receipt, let's see, the Committee is also in receipt of Correspondence dated September 25, 2018, from myself as Chair of the Committee, transmitting a revised proposed resolution entitled, Urging the Department of Public Works to Incorporate Visitability Standards in the County's Building Code for New Residential Construction. The revised proposed resolution adds background information based on further research and deletes the clause, urging the Department to conduct a feasibility analysis. The deletion of this clause was based on information from the Department regarding their capacity to conduct such an analysis and from further research that shows that studies on feasibility are widely available and visitability standards may be adopted by reference,

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similar to other building codes. Before we discuss the resolution and revised proposed resolution posted today, we will receive a presentation from the Center on Disability Studies College of Education, University of Hawaii at Manoa. The presentation will provide an overview of visitability standards and the importance of these standards as discussed in a formal study conducted by UH. So, we're going to take a very brief recess to get Mr. Leake's [sic] on video conference, and we'll just be in a very brief recess. We're now in recess. . . .(gavel). . .

RECESS: 2:03 p.m.

RECONVENE: 2:05 p.m.

CHAIR COCHRAN: . . .(gavel). . . Aloha, we are back from recess and we have Dr. David Leake here who is...aloha, can you hear us, can you hear me?

MR. LEAKE: Yes, very clearly, great.

CHAIR COCHRAN: Yes, okay, we see you, we see you. Thank you.

MR. LEAKE: Okay.

CHAIR COCHRAN: David Leake is a retired, retired last month after 28 years with the Center on Disabilities Studies at the University of Hawaii at Manoa--congratulations--where he worked on projects related to the transition to adulthood, child, and adolescent mental health, cultural competence, and housing. He was the lead author for the State of Hawaii's report to the U.S. Department of Housing and Urban Development on Impediments to Fair Housing Choice, which focused on people with disabilities. So, Members, without objection, the Chair would like to designate Mr. Leake as a resource person, pursuant to Rule 18A of the Rules of the Council.

COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Thank you very much. So, at this time, we will begin the presentation. So, Dr. Leake, are you ready to start presenting to us?

. . . BEGIN PRESENTATION . . .

MR. LEAKE: Yes, good afternoon --

CHAIR COCHRAN: Okay. Very good.

MR. LEAKE: --Chair Cochran and Members. So, we'll get it going.

CHAIR COCHRAN: Thank you. And, Members, I think we have a printed version, too, in

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front of you, yes.

MR. LEAKE: So, I assume that's showing up on your screen? It's the title of the presentation. And then this next slide shows the download site for that Fair Housing Choice report that we did about two years ago. And one thing of interest may be is that it has many tables with statistics on housing and people with disabilities. They're all broken out by the state and by the counties. So, you could go and see how Maui compares to the State and other counties. And one thing to note is that the problem of finding accessible housing is especially high for people of low income. And this is related to our big affordable housing challenge here in Hawaii. So, we see from fairly recent estimates, in Maui we have a disability rate of about 13.3 percent, and also a poverty rate of about 15.9 percent. And the issue for people of low income is that, who have disabilities, a lot of them are on supplemental security income, which is SSI, and that only pays \$721 a month, which only covers about 80 percent of the rent for a studio apartment. So, we find that when we talk about accessibility, we're mainly talking about people with mobility challenges, especially wheelchair users. And they are more highly represented in the lower-income groups. So, this is a real problem for them and we know that people with means who have good incomes, it's not such a problem for them. And this slide shows why affordable housing is such a problem with people with wheelchairs is most of the affordable units we have that they might be able to afford, were built, say before 1990. And as you can see, there's stairs, whether you're in town on a, in a multi-level unit or at home in the rural areas stairs are like the normal thing. And the next slide will be from this American Housing Survey from 2011. But the results would be about the same now, maybe a little better. But this just shows rates of inaccessible housing, urban versus rural. You can see in all cases there are things like no bathroom on the lower level, no bedroom on the lower level. If there is a bathroom, it's inaccessible in most houses. Most houses have a stepped entrance, so you can't just wheel a wheelchair in. Most bathrooms have no grab bars, which people in wheelchairs often need in order to use the bathroom, and for daily living, the kitchens are generally inaccessible, and of course, generally, there's no elevator to upper levels. And then, this next slide is from another survey, more recent through 2014, and this shows why we call it visitable housing. You can see that on the left of the graph, those higher bars that are red show that people with no mobility impairments very commonly leave the house, and just over half the people with mobility impairments leave the house, meaning almost half generally just stay home. And then being sort of trapped at home means also less time in social or recreational activities. So, the idea is that if all the homes in the neighborhood were accessible to people with wheelchairs, they could visit their friends and neighbors and have a regular social life. So, that's how the visitable housing movement started around 1990, to reduce the social isolation of these people. And over the years, standards for accessibility have been added to the U.S. and international building codes. And the lowest level of accessibility, which is, we feel you should at least promote that, is called Type C or Visitable, and it has the following six features. I think these are listed in our resolution also. At least a one zero-step entrance, interior doors with at least 32 inches of clear passage for wheelchairs, but

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that's a bare minimum, it would be better if it was 34 or 36. At least a half bath, preferably a full bath accessible on the ground floor. I saw your resolution, I believe that's a full bath which is great. Reinforcement in bathroom walls for future grab bar installation, spaces to maneuver a wheelchair in food preparation areas, and light switches and electrical outlets within comfortable reach for all. Just a view of a ramp and the picture on the right shows a woman pushing a stroller into the door, a zero-step entrance. So, this just underlines that visitable housing isn't just for people with wheelchairs. It helps everyone. I hope this leaf blower outside my window doesn't make me unable to be heard here. So, having accessible features helps people such as myself, even when I had a knee operation and I had to be on crutches for a while. And here we see a typical bathroom in Hawaii on the left, and what we would hope for is on the right. You can see there are grab bars and a wheelchair could easily get in there. Another argument for visitable housing is the concept of aging in place, which means that as people grow older and develop various disabilities, they are able to stay in their homes without the need for expensive modifications or being placed in a care facility. So, aging in place is especially important in Hawaii where we have what's been called a silver tsunami, the nation's fastest growing population of seniors. And this next graph shows from 1980, projected through 2040, the proportion of people of different age. And you'll see we're close to 2020, and the next 10 to 20 years, through 2040, the two groups that are going to really grow bigger, biggest, in terms of percent increase are the elderly, 85-plus years, and the elderly 64 to 84 years. And so, if we look at the Department of, or Hawaii Department of Business, Economic Development and Tourism projections, you'll see that Maui County is expected to have a population growth of 25 percent from 2015 to 2025. So, if that, there's any possibility meaning that a lot of new units are going to have to be built and it'd be great if they required visible features so that the coming growing increase in seniors are more likely to have a place where they can age in place. So, how do we get to visitable housing? Across the country, many states and municipalities have passed legislation. But analyses by organizations such as AARP, they have a big effort to promote these visitable standards. They find that voluntary laws which provide incentives like tax credits, they actually require taxpayer money, and they don't lead to very many new visitable homes. And say, a more tax, a tax easy way to do it would be to require all homes built with public financing to be visitable, and that would be a good thing at least. But not as good as requiring all homes to be visitable. So, we find that the gold standard mandatory laws that have really made a difference, we find those in Pima County, Arizona, which includes Tucson, the Village of Bolingbrook, Illinois, and the State of Vermont actually has a mandatory law, but no enforcement mechanisms. So, it's been pretty ineffective. So, over the years, the main opposition has tended to come from builders resisting these requirements, claiming it would add say, 10,000 to \$20,000 in construction costs. But in fact, it's been demonstrated that such costs are quite minimal if visitability is designed in from the start. And also, it's been estimated that over their usable lifetime, up to 70 percent of homes will house someone with a mobility impairment. So, over the long term, building visitable housing, visitable homes now is actually likely to save money over the long term. So, actually the State Legislature had a Home for Life Task Force that looked into this issue back, I think

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their report came out in 2011. They estimated it would take 3,000 to 10,000 to add a wheelchair ramp, 8,000 to 20,000 to make a bathroom wheelchair accessible, and that strengthening bathroom walls for grab bars would cost about \$500, and we can expect, you know 7 years later these costs are definitely higher now. So, I mentioned Pima County. Let's just, they're the, sort of the model county that's done this. They passed a mandatory visitability ordinance that survived a court challenge to its constitutionality in the Arizona State Supreme Court. And over the next year, eight years, they built 21,000 visitable homes. Of course, Arizona was going through a building boom back then. So, finally, I'll just read this letter from the Pima County Chief Building Official. There was a similar Federal legislation proposed in the U.S. House of Representatives and unfortunately it didn't pass. But they heard that while these requirements were at first resisted by builders, it became evident that with appropriate planning, the construction could result in no additional cost. Indeed, the jurisdiction no longer receives builder complaints regarding the ordinance, and the ordinance has been so well incorporated into the building safety plan review and inspection processes, that there is no additional cost to the County to enforce its requirements. From a real estate perspective, homes built to this standard are deemed more marketable, but even more importantly, the accessible features of these homes remain unnoticed when toured by individuals not seeking accessibility. One of the initial concerns of the ordinance implementation was that it would result in homes appearing institutional in nature. This has not occurred within Pima County. And they had mentioned, actually these homes have a marketing appeal. And also, I noticed in your resolution it's mentioned that Hawaii has the nation's highest rate of multi-generational households, 7.2 percent. And only about 32 percent of Hawaii's older adults live alone, compared to 41 percent nationally. So, some home builders we know, I've seen one story from New York finding great success with multi-generational home designs which have ground floors with bedrooms, accessible bathrooms, and kitchen areas, so, elderly family members can, you know, do their daily lives without worrying about going up and down the stairs. So, that's what I have on this presentation. Any questions, I guess?

. . . END OF PRESENTATION . . .

CHAIR COCHRAN: Thank you very much, Dr. Leake, for your presentation. And at this time, I will have Mister, Director Goode, if he has anything to add or comments next, and then I'll open up the floor for the Committee to have questions and comments. So, Director Goode?

MR. GOODE: Okay. Thank you, Chair. Good afternoon, Members. David Goode, here, Director of the Department of Public Works. We did reply via letter to the Chair's request for comments on visitability standards. And so, that later is dated September 10th of 2018. And you know, in summary, for us the hard thing as relates to ADA or standards like visitability is that we just don't have a lot of expertise. In fact, we really don't have any. As you may recall, when we adopted the Building Code,

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there is a provision in the standard building code about ADA accessibility that we didn't add at all, and we never have. And the main reason being, at least on the ADA side, that's always been enforced by the U.S. Department of Justice. And for us to try and enforce ADA would require a major ramp up in personnel that we thought best not served by us, meaning the local municipality doing that work. That doesn't mean that it's not important. It doesn't mean we deem it not important. Obviously, we do a lot of work within ADA in particular on our projects. But we felt the enforcement of that Federal act is best done outside the department. Visitability, while not exactly ADA, has a lot of ADA-like features. And so, if you look at a proposed ordinance, we would need to feel are those features, I guess depending on the policy, those features, do we enforce them, how do we enforce them, et cetera. So, that's why in my response I was careful, and talking in depth with our staff, that we just felt, you know, Chair, that we just didn't have the ability to handle any kind of feasibility analysis in house. And so, we would need some outside guidance. We also need guidance from the Council as it relates to where would we apply this? Are we talking about single-family homes, multi-family, B&B's, transient vacation rentals, apartments, tiny homes, the list goes on and on 'cause we have a lot of different, you know, housing stock perhaps than other places on the mainland? And what about remodels? So, if someone adds a bedroom to a house, does the whole house need to become up to standard with visitability or just the area being added or remodeled? So, those are some of our general questions which I guess the feasibility analysis would take a look at. But in general, we weren't overly familiar with the visitability idea. So, we found it intriguing. We were curious, you know, how much could the private sector do on its own. We weren't really sure. But we had a good healthy discussion internally about it. But so, in summary, Chair, that's the Department's comments. Thank you.

CHAIR COCHRAN: Thank you, Director. And, Mr. Leake, Dr. Leake, did you have any comments at this time?

MR. LEAKE: Yes, while regarding expertise locally, there's the DCAB, which is the Disability Communications and Access Board. It's within the Department of Health, and they're the ones who have to approve like major public construction in terms of ADA compliance. And the Director, Francine Wai is, she has stated she would love to see visitable housing as a requirement and they would have the staff to help, you know, determine if designs meet the requirements. So, this visitable housing would come under the Fair Housing Act, which requires accessible housing. And it was passed so that buildings before 1990 were grandfathered in. And thereafter, multi-story housing that should have elevators, that was basically all that was covered, and they thought single-family homes and townhomes, or buildings with less than six or less units that were not covered at that time would eventually be covered. But three decades later it's not happening. So, it's up to local jurisdictions to take it on if possible. So...

CHAIR COCHRAN: Thank you. Okay. Thank you. Thank you very much for those comments. And, Members, the floor is open now to you folks should you have any questions or comments at this time for Department or Dr. Leake. Yes, Mr. Hokama?

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COUNCILMEMBER HOKAMA: Did you ask, Chair, for Human Concerns, Housing, to also give you comments on this consideration?

CHAIR COCHRAN: Yeah, I'm not sure. Did we reach out to Housing and Human? No.

COUNCILMEMBER HOKAMA: Okay. Are you aware if we got anything from our Maui Contractors Association as well as maybe the Maui Nonprofit Directors Association regarding any type of comments or considerations they would like us to take into account regarding this item, please?

CHAIR COCHRAN: Just the Disability Alliance, that portion of the disability, the disabled community, and then, of course, Dr. Leake and our Public Works.

COUNCILMEMBER HOKAMA: Okay. I wish we had Housing and Human Concerns, Chair, since I would think they would be another advocating entity for some of these considerations. I have some concerns about this one. And again, I don't, you know, I mean, what is the magic of 1990 except more than likely by the time we potentially enact something we're looking at 30-year-old houses. Okay. Twenty-twenty, that's 30 years. Okay. I live in a house that's over 80 years old. Okay. So, again, I know what plantation houses was built. So, we're not going to make the width for the bathrooms, we're not going to do...a lot of single wall constructions. So, reinforcement of walls for grab bars, I get it. It's going to be expensive for old houses. So, even for a house built in 1990, 30 years old, I would like us, before we move things forward, to be able to tell our community what they're looking at if we move to requiring things. What does this mean? I mean, we hear the pushback on the cesspools. Okay. That's a requirement now. A lot of people are talking about cost. So, the Legislature's rethinking how they want to approach this issue because of the magnitude of cost. I would like us to see, come up with some kind of financial analysis as well, type of units we're potentially looking. And I really not so hot about State estimates of what they think this County should build in housing. Okay. The kuleana is this County and our residents, what we think we want to build, and what kind of housing we want. I really don't care what Honolulu thinks about Maui's housing, to be honest with you, Director. Okay. So, for me, if whatever the number is, I can see us making adjustments to take care any person of the community, whether they're fully able or they have challenges. I get it. My mother aged in place. So, I understood grab bars, assistance of walking, step-in showers, well things like that. Okay. But it costed [sic] me and my family money to put it in. Okay. Some may not have that capacity and resources to make it happen for them. So, I'm concerned about that component. Most of our houses on the plantations is over 50 years old. They're going to go through a historic review requirement because of the age of the facility. So, I want to know if there's any numbers we can get to see what we're looking at as far as existing inventory and if we're going to make it mandatory, what is a smart date to start the clock where, and not take into account certain other things. 'Cause I cannot see, I would have a hard time looking at the old housing and forcing those families. 'Cause I get it. Family

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aging in place, most of us do it. It's a cultural thing. But many people of us live in houses that are more than 70 years old. So, how does those families that have grandpa, mom, and grandson and grandson deal with those things? You know, I'm concerned about that. I like where we're going in this discussion, Chair. It's something for the greater community. But I think we need more data to make better decisions and scope it so that the parameter makes sense for our County and our County's sister islands is my concern. 'Cause I'm not too concerned about the urban Oahu issue. I'm more concerned about rural Maui County issues. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Hokama, for your comments. And so, as we know, this is a resolution. So, just trying to urge, not telling or dictating to Department. And it is focusing on new residential construction. And I understand retrofitting is always very, very costly. And that's what I hope to avoid in the future. So, if we can start from here on out and start incorporating these types of items that Dr. Leakes [sic] pointed to, and what the resolution points to. That's one of my main purpose and intent here for this discussion and resolution. I recall Ms. Galarza who had been in a lot of discussion with my office for probably a year plus, and it was in order to do a curb cut, a simple curb cut on a sidewalk on Hanawai Street over in Napili. It took I swear a year or more. And in the end, \$45,000 later just to do that. So, these are the type of things within our own scope, I think, as County too, when we were thinking down the road. Let's make things, connectivity, make sure we get curb cuts in place for our disabled community to better, you know, have access to a shopping mall across the street, to a school, or whatever the case may be. So, that's kind of the thought here for me, to bring it forward now. And it is about new construction from here on out. So, that's kind of just a, some thoughts at this time. But, Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. That's kind of like how I take it, looking at it for consideration of all new building construction and adding a section of the Building Code addressing and accommodating the community of our disability ohana. I support this resolution pertaining to any future building permits, and any new constructions. But I too understand the, Mr. Hokama's concern from the perspective of retrofitting any older homes. But if we can be, I mean, this is not as progressive. This is almost 30 years later of being progressive. But I think the time is now to really address the needs of our disabled community and planning ahead, and anyone building any new construction that planning ahead we incorporate these recommended proposed things in the building codes. So, I support this.

CHAIR COCHRAN: Thank you, Mr. Atay, for your comments. And is that, Mr. Goode, was that your understanding, this is for new construction, right, and not, it's not focusing on retrofitting existing? Was that...okay, I just...

MR. GOODE: Yeah, that's my understanding. Although, new construction could also be a new room, say, within a house. So, that'd be one of the clarifying points we'd have to look at.

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CHAIR COCHRAN: Okay. Yeah, you did mention about remodels, I think, renovations, would that include the entire, the rest of the building, dwelling, whatever the case may be, or just that area of, so, that definite, if it's not clear, then yes, you know, we'll need to clarify that. Mr. Guzman, or, Mr. Hokama, you had further discussion? Or, Mr. Guzman, if you had any comments at this time? No? Okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: Maybe for you, Chair, or Mr., our Corporation Counsel, as far as I'm currently aware, we've, are in full compliance with anything regarding housing, infrastructure, parks, roads, sidewalks regarding projects that we have to do to meet anyone's needs to access and utilize, right? We fund a lot of concession, or consent decree programs or we, you know, what we have been maybe short in fulfilling certain requirements. We've entered agreements to fund and make those corrections, whether it be in bathrooms, whether it be in sidewalks. So, have we been...are we...do we need to be aware of anything else that is happening that haven't been brought to the Council's attention regarding shortcomings in us performing our requirements to meet the general community's needs?

MR. GALAZIN: Chair?

CHAIR COCHRAN: Yeah, Mr. Galazin?

MR. GALAZIN: Thank you, Chair. Councilmember Hokama, I am not aware at this point in time of anything specifically that the County has been instructed to follow that we have been lax or delinquent in taking care of. Certainly, as you mentioned, there are a number of things that we have had to undertake over the years to fix certain deficiencies in places and moving forward we always have to take these things into consideration. But so far as I am aware as far as my understanding from office's standpoint, I don't know that there is anything pending along those lines.

COUNCILMEMBER HOKAMA: Okay, okay. Chair, you know, one of the things that I would hope we get some communication in the future from would be the construction industry. If we hear, read the comments correct in this presentation, that it is, these types of units is something desirable and whatnot, private sector, they should be smart enough to know then, if it sells, that's what they should provide to the market, units that people want. And if this is what they want, they should be making more of these units. So, part of the disconnect for me is if this is wanted, why isn't the private sector then, producing the units people willing to buy and pay for? Is there something we don't know that doesn't fit in this capitalistic formula? Department, you guys aware of anything that is hindering since we're told that this is what the market wants? So, why isn't the market being provided units that they're willing to pay for?

CHAIR COCHRAN: Director, are you still with the Maui Contractor's Association?

MR. GOODE: Chair, no, I resigned from the Contractor's Association when I came back to County government. But to answer Mr. Hokama's question, I'm not really certain, and

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maybe the folks from U.H. know, but my guess would be that many people are so focused on buying a home that meets their budget, that meets the area that they want to live in, and there's not a lot to choose from. They're just going to take what they can get and then realize, oh yeah, how do I make sure tutu can get in and how does that work? So, I think it's kind of an afterthought for buyers. And maybe marketers and people selling the stuff, if they're not particularly selling that attribute. So, it's just my kind of guess at this point.

MR. LEAKE: Could I have a, make a comment?

CHAIR COCHRAN: Mr. Leake, sure.

MR. LEAKE: Yes.

CHAIR COCHRAN: You wanted to chime in?

MR. LEAKE: Yeah, I was in Maui about a year ago for the Disability Coalition Conference they have every year. And somebody told me that she lived in a relatively new, like a subdivision where it was basically accessible, no step entrances, wide doors, wheelchairs could get in bathrooms. So, there are builders out there. This would be a smaller builder I guess. Now, on Oahu, we have the Hoopili Project is huge. There are going to be like 25,000 units there. And I went to visit the models and they all have a one-step stoop. It would've been real easy to just make a, make that a ramp thing. But the builder at the same time is offering accessible units for aging in place. So, they're going to markup the cost quite a bit. So, that could be one way that that builder's approaching it. They do offer the option but it's going to cost more.

CHAIR COCHRAN: Thank you, Doctor. And I think going to the question of existing codes, or so, and then how does it work with, when someone comes in for a remodel or an addition, or whatever? The question is for you, Director, with the upgrading to our, updating of our international building codes, our electrical codes, our plumbing codes, things of that nature, what happens when we do this updates and someone comes in after we do these updates for an addition, for a something on their existing building? How do you apply that? Is it to the whole house, or is it just to the portion they're renovating?

MR. GOODE: Thanks, Chair, for asking that question. The answer is the latter. We would require that the portion that they're adding, or renovating has to meet the current codes. But you don't have to go down the hall and fix, you know, the electrical in the old, the other room that you're not touching, say. They may want to do that, but they're only required to meet the codes in that area that they're fixing. So, let's say, if we had visitability standards, if we applied the same logic, that particular, say bedroom, would have to be visitable. So, maybe it has a larger door. But if you can't get there because it doesn't have the no step requirement and other features, then it may not be that visitable, at least not yet. But that's generally how we apply. It's in

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the area of work that's being done. That's where the newest standards would come on. And just so the Committee knows, we've, you know, our building codes follow the State Building Code Council. They've recently passed a new model energy code which we're finalizing here with Corp. Counsel and we'll be submitting to you folks. My understanding is that building, plumbing, and electrical revisions are all coming down, or rather soon. So, I would say within the next term, next Council term we would expect to see those come before the Council. It's going to be a fair amount of work, certainly for our staff, in preparing for this. In consultation with, we typically consult with the AIA, Contractor's Association, and other trade groups on these amendments. So, we're going to have a fair amount of staff time already devoted to these updates which are coming down. So, I'm a little, again, my hesitancy, you know, if the Committee's interested in passing this resolution today, or in the near term, is that we are stretched currently in these code updates that are coming down the pipe. And the resolution asked for, you know, analysis within 60 days. And I'm thinking oh wow, we're not going to really give you a quality analysis in 60 days given everything else that's going on. So, 'cause there's a lot here to digest. It's a new code and concepts, you know, in our existing framework, and figuring out how that even fits in this probably 60 days alone given our other responsibilities. So, I'm just showing some of the realities that we have to deal with, you know, and things that are, in the future that are coming to this Council probably next term and the new Code amendments that are coming up. Thanks.

CHAIR COCHRAN: Thank you, Director. Members, any other questions or comments? So, Director, the, I think one of your questions was about the zero step and you're referring flooding's in reference to it? But ramps I know tend to, right, it doesn't like slope downwards into a home, per se, or typically, it can be flush with the ground. But a lot of times, you know, I think there's a way to create a drainage or, you know, an angle to it. So, I don't know, I mean ramp, I see ramps everywhere. So, I think there's a way of doing it without making the, any flow go directly into a household or something. Is that, I think that was one of your comments though.

MR. GOODE: Yeah, that actually came from our staff. They're concerned about if you have a, a zero step basically has some rise to it 'cause you have a threshold when you go over a door. And if you have a house that's built on slab and you have concrete outside, then you have a very small area that if there's a heavy rain or wind-driven rain, there's a good chance you could get some water buildup there. I'd have to find out more about their specific concern in that area. And the concern with ramps is that they're fine. But if we're going to have ramps, remember we have, we do have flood zones here. And we require people to build high above the flood area. In fact, we actually require them to build a little bit higher, like a one foot higher, you know, to meet, you know, the flood requirements. And of course, the higher we go, the longer the ramp's got to get. And then the ramps ideally should meet ADA, meaning they have to have a certain slope, and after a certain number of feet you have to have a flat area before you hit another ramp, which causes, you know, a fairly lengthy area. So, there might be homes that we're requiring already for flood zone, they have to be so

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high, that may not be practical for visitability and ramps, or they'd have to have some other mechanism, so mechanical lift type situation. So, these are again, these are existing codes that we have that we're requiring folks to do and how that would work, say, with the ramp could be difficult. Sometimes there's going to be such little space, the ramp may have to be in the setback. And the Planning Department's going to go, no, you can't have that in the setback because it's a setback. How does the ramp, you know, stay out of the setback? In small lots, 3,000 square feet, we're doing R0, we you know, so anyway, the space limitations and the mechanisms that an architect have to think about, and the builder, given our environment and the way we build, those requirements that we have, it presents some challenges in some locations. In other locations it's, it should be pretty easy to implement. That'd be my hunch, especially in new construction. But in other instances, in our housing stock, there's older housing stock, what have you, it'd be a challenge, at least to implement all the features. Some features maybe, maybe you can do the grab bars real easy but the other one's hard. It depends on the, you know, the stock we're talking about.

CHAIR COCHRAN: Right. Thank you, Director. And I want to recognize Ms. Sugimura is in attendance, aloha.

COUNCILMEMBER SUGIMURA: Aloha.

CHAIR COCHRAN: Thank you for being here. And I know you just got here, Ms. Sugimura, but we did have a presentation by Dr. Leakes [sic], and there's a printed handout.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR COCHRAN: And reso, yeah, so, you have information in Granicus. Not sure if you had any questions or comments at this time. I know you just arrived. So, I think this whole thought process, again, is for moving from here on out. And I'm looking at the points one through six. A lot of it as stated by Dr. Leakes [sic], you know, and realizing that retrofitting is always more costlier. But building from here on out for the stated purpose of yes, visitability but also the whole aging in place that we all talk about. And, you know, my mom being 93, it's, I'm very grateful that she has a single-story home. I'm also grateful that she had an outside bathroom with zero step when I broke my ankle, 'cause that's where I had to go and live for a few months until my ankle healed and, you know, it was, I was in crutches and all that other fun stuff. So, I wish that more places were prebuilt and have these thoughts in mind. It doesn't need to be age. It is injuries occur. And now, you are, have become disabled for, you know, for certain reasons and need wider spaces because now you are in a wheelchair and it's, and other people, this is their way of life. So, I'd like to see us think about not just things in of ourselves. But yes, the future, and yes, the livability, visitability, and the whole aging in place process that we all talk about, and the silver tsunami that's upon us and is going to continue to grow, which is a good thing. We, you know, we would like people to live longer, happier, quality of lives. But again, we'll need to build for that. And so, you know, I was hoping to move forward this resolution in

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order to get the process going. So, Director Goode, I'm hearing that you should, I know it's a resolution, just to urge, but you're saying that your, you folks already have a lot on the burner to vet through new codes coming down the pipeline and that you wouldn't be able to per se, you know, look at this quite, you know, immediately I guess of sorts, and be better to withhold at this time. Is that what you were eluding to a little bit in your comments?

MR. GOODE: Yes, Chair. So, in the Be It Resolved portion of the resolution, item number 3, it asked that the Department report back within 60 days. So, given that 60 days is going to be the holidays, not to mention everything else I mentioned earlier. You know, in thinking about it, if this is something that Council wants us to pursue, you know, the logical time to do it really is before we look at the next building code. So, we know, I know that's coming up through the Code Council. I don't know the exact timing and it takes a fair amount of time. But if we were able to present something prior to the building code, then it'd be fresh in your memories for the next, and this is going to be next term, and then when we dive into the Building Code we'd have a pretty good understanding of what we think we could do with visitability. That might, while it's not an exact deadline, but it does say it'd be, you know precedent to looking at the Building Code, something for consideration.

CHAIR COCHRAN: Thank you, Director. So, are you anticipating that review, is there a certain timeframe next year you're thinking this is going to come down? Or could we change the verbiage here to take out the clock of 60 days and say something more to the effect of when reviewing the update of the Building Code, you know, at such time to report back, you know, with your comments and things of the visitability, you know, code, new verbiage that we're wanting to urge you to look at kind of thing.

MR. GOODE: Yeah, I think something like that would work. That would be either concurrent with reviewing new building code, you know, or prior to the next building code. I don't have the exact timing. It is dependent on when the State does their final amendments. But in talking to Mr. Ueno, who is our representative on the State Building Code Council, and is the head of DSA, we met about a month ago. It looked like the Model Energy Code is coming up, and then the other building codes were coming up in the next term. But I don't have the exact timing. But it would give us time to digest it, and share it with the Council at this, you know, at the same time or just prior to looking at the Building Code. Where they, you know, they would go hand in hand.

CHAIR COCHRAN: Okay. Alright. Any Members have any comments or questions? Mr. Hokama?

COUNCILMEMBER HOKAMA: I can appreciate Director Goode's consideration. For me, I mean, we're wrapping up this term. Okay. So, if I should be fortunate to return, these are one of the areas of questioning I would be presenting in a confirmation hearing for a new Public Works Director, for a new Housing Director, for a new

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Finance Director. So, I would say it's, it would be tough for this sitting Director to come up with things that a potential new Director may not have the same, either understanding or willingness of Mr. Goode. So, it may be Mr. Goode, I don't know. It depends on who is the Mayor, who the Mayor chooses to nominate to Council for confirmation. But that's, you know, part of our new responsibilities to review and confirm. So, I would use that opportunity to vet through the personnel and to see why type of priorities the Director will have, including updating the Code because that's what I would say is, we can talk about it this afternoon. But if it's not going to be part of a new code review and consideration, then I get better time and things to spend my afternoon on than spinning this wheel. Thank you.

CHAIR COCHRAN: Yes, Mr. Atay?

COUNCILMEMBER ATAY: Chair, thank you. I would support and ditto to what Member Hokama has just shared, realizing that we are in a transition stage to support that line of thinking and timeline. I would also support Director's line of thinking and suggestion of timing it in line with the Building Code alignment. 'Cause I'm sitting here trying to think, I don't know where we were at, but I think we had a discussion about County facilities, and to accommodate our disability community to just have our whatever new County facility constructions to just have rollup ramps, rather than having steps around our County facilities so that no matter what, it would accommodate those in wheelchairs. And if it should rain, it should rain, flow away from the building and not into the building. But didn't we have a discussion and some kind of code recommendation for that, for a County facility? I know we're talking about residential, but did we incorporate that in our building considerations around...so, I'm just sharing that because if we didn't, we should be bringing this forward same time as your scheduling the Building Code revisions and so on. So, I would agree with both timelines that they've shared.

CHAIR COCHRAN: Director, did you have comments on that? Okay. And, Ms. Sugimura, Mr. Guzman, did you have any comments or questions? Okay. So, yeah, I understand everyone's comments, and it is kind of late in the term. This is something that was brought up with Disability Alliance, and it's been on my burners to bring forward. And things have been pushed back quite far with a lot of other items and things. So, therefore, the late submittal here to this body. But it can be deferred, you know, and get picked up by the next Council and be more in line as Director Goode is saying with the updates of the Building Code that's coming down too and incorporate it all. But I definitely wanted this out, you know, on record. I wanted it out in the public because it's something that has been presented to me for many, many months, probably a year or more ago. And so, I have been desperately trying to get it heard. So, that's why it's here and in this timing. So, anyways, I will defer this.

COUNCILMEMBER HOKAMA: Chair?

CHAIR COCHRAN: Yes, Mr. Hokama?

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COUNCILMEMBER HOKAMA: Before you defer, and thank you very much for that consideration, Chair, one area though, I think if you don't mind I just want to give a little bit of discussion because this is one area that I don't see it in the same light as the residential. If there is a facility that will be for public use such as a B&B, short-term rental, where you're dealing with general public users, I don't have a problem going back to those type of non-residential, I consider that a commercial or business activity, where they would be required to retrofit. 'Cause they're running one business. We're not talking about a resident, one house for a family. We're talking about someone who's making money off this property. I would view retrofitting slightly different since it would be open for any type of user that would apply, if available could potentially use that facility. I would view those type of upgrades to allow whether they be physically, or other challenges that they may have, that I could be more open to supporting that type of retrofits for that type of commercial business use, Chair. So, thank you for letting me bring that point up.

CHAIR COCHRAN: Yeah, thank you very much, Mr. Hokama, for those comments. So, Members, without objections, I shall defer.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused RC, Absent MW)

ACTION: DEFER.

CHAIR COCHRAN: But I want to thank Dr. Leake for presenting today, and your efforts, and congratulations and best to all during your retirement years, here.

MR. LEAKE: Well, thank you. It was a pleasure.

CHAIR COCHRAN: Yeah, okay. And we'll be in touch, though, since we'll be probably needing --

MR. LEAKE: Okay. Great.

CHAIR COCHRAN: --your expertise once again in the near future.

MR. LEAKE: Alright, anytime. Thank you.

CHAIR COCHRAN: Thank you very much for being there.

MR. LEAKE: Yes, okay.

CHAIR COCHRAN: Do you need...thank you. Do we need a brief recess to turn Dr. Leakes [sic]...no? Okay. And Members, do we need a brief break, anyone, at this time? No, we're good? Okay.

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**IEM-83 AMENDING SECTIONS 10.48.220 AND 10.56A.010, MAUI COUNTY
RELATING TO TOW-AWAY ZONES AND LOADING ZONES (CC 18-283)**

CHAIR COCHRAN: So, let's jump into IEM-83. This is Amending Sections 10.48.220 and 10.56A.010, Maui County Code. And this relates to tow-away zones and loading zones. The Committee is in receipt of County Communication 18-283, from the Director of Public Works, transmitting a proposed bill entitled, A Bill for an Ordinance Amending Sections 10.48.220 and 10.56A.010, Maui County Code, Relating to Tow-Away Zones and Loading Zones. And the purpose of this bill is to add the area on the makai side of Front Street adjacent to King Kamehameha III Elementary School as a tow-away zone on school days between the hours of 7:00 a.m. and 3:00 p.m., and to revise the time limits of the loading zone of the same area between the hours of 7:00 a.m. and 3:00 p.m. The Committee is also in receipt of correspondence dated September 25, 2018, to the Department of Corporation Counsel, transmitting a revised proposed bill entitled, A Bill for an Ordinance Amending Sections 10.48.220 and 10.56A.010, Maui County Code, Relating to Tow-Away Zones and Loading Zones. And this revised proposed bill incorporates non-substantive revisions, including setting forth the entire section of the Code that is being amended. So, at this time, I'd like to open the floor to allow Department of Public Works, and Department of Police, we have three, it looks like, representatives here. If you'd like to come down, whoever will be your speaker, to come down to the floor. Is it Officer Arase? Okay. To provide comments on this proposed bill, and the reasons for the proposed changes. So, at this time, I don't know, Director Goode, you want to start while Mr. Arase comes down and...

MR. GOODE: Okay. Thank you, Chair. So, as Mister, Officer Arase works his way down here, a couple, I was going to say, a year or two ago we came to the Council to actually enact this area of no parking or loading zone, I guess we called it, fronting the school. And I think there's some issues regarding enforcement, which these gentlemen can talk to. So, before you today is changes to the Code that first of all clearly specify that this is a tow-away zone. So, we have a portion in the Code called Tow-Away Zones, Section 10.48.220. So, we're adding this section as an item number 16 for the Lahaina District. That would be a tow-away zone. We have other areas in Lahaina that have tow-away zones, and we have a little sign on the no-parking sign. Right below it says tow-away zone, which I think helps MPD on the enforcement side. And then, we're also amending the hours because it was determined the hours, the initial hours that we had set weren't working that great. It was maybe a little too confusing. There was a drop off time and a pickup time for school. And so, now I think we're looking at, you know, that 7:00 a.m. to 3:00 p.m. So, those are the two changes, to make it a lot stronger and make it clearer to folks using that, what the rules are, and what the penalties could be for tow-away. And finally, Chair, I'll mention that we did take this to the Public Works Commission and they recommended approval as well. And so, that concludes my portion of this overview.

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CHAIR COCHRAN: Thank you.

MR. GOODE: Thanks.

CHAIR COCHRAN: Thank you, Director Goode. And I'll turn it over now, to my Police Department. Officers, thank you so much for being here. And we'll take your comments now on this item, yeah.

MR. ARASE: Thank you, Madam Chair. I'm Officer Arase with the Maui Police Department. I do the parking enforcement in Lahaina. Thank you for having me here. So, basically, this was brought up to me by parents and the staff alike. What it is that makai side of the Front Street fronting King Kamehameha III School is basically like a loading zone for the kids in the morning.

CHAIR COCHRAN: Hold the microphone closer, there you go.

MR. ARASE: In the morning, so the times is, there's no parking in front the school from 7:00 to 8:00 a.m., and then, there is a window of parking, and then there's also no parking from one o'clock to 2:30 when they get out of school. What happens often is, I'm not too sure if it's unclear or not, but people actually park there. And when the school gets out, they don't move their car. What the loading zone is in front of King Kamehameha III School is for the parents to actively load and unload their children. The most important, this is two folds, it's for the safety of the children, and for the public, more convenience for the public. Because what happens, if a car parks there and it doesn't move, we cannot identify who's car that is, the parents do not have a flow to pick up their kids. So, they have to go around the car, especially if it's the first one in line and then there's more than one, they have to zigzag out of cars. And when they do that, most of the time they can't park correctly, no fault to their own, and their car sticks out which causes traffic, right? And then, if there's no flow, I mean, Front Street going, coming southbound gets backed up a lot which causes an inconvenience to the public. And on Prison Street as well it gets backed up. Safety-wise for the kids as well, when that happens, parents tend to rush, and then they start calling their kids on the cell phones and kids start walking on the road because their parents want to pick them up before the loading zone even starts, so, basically in the roadway, yeah. Or they park in Prison Street parking lot which is already pretty hectic during that time 'cause parents park in there. And now, since it's not moving, more parents are parking there, more parents are using their cell phones to call their kids, more kids are walking across the street. We do have a good crossing guard there. But still, when they walk in the Prison Street parking lot, I mean, cars are going in and out and children are literally walking in between these cars. If we can change the signage I know it worked because there's actually signage on Canal Street, adjacent to that school that states bus loading only, no parking between 7:00 and 3:00 p.m., and it works, nobody parks there. And strangely enough, when they know, there's no school and it's a holiday, it's filled. So, the public, they know, and they respect that. So, if

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we can change that to the makai side on Front Street fronting the school, I think the public would be okay with that because it's already working on Canal Street.

CHAIR COCHRAN: Thank you very much, Officers.

MR. ARASE: Thank you.

CHAIR COCHRAN: And, Members, the floor is open for you folks. I appreciate this. We've been wanting to get the signage changed. So, I'm glad we're here today talking about it. So, anyone have questions and comments? Mr. Hokama?

COUNCILMEMBER HOKAMA: So, currently, the way the ordinance reads, why aren't you towing those cars out of the zone?

MR. ARASE: Right now, it's loading zone. So, not necessarily a tow zone. So, it's the loading zone is the, the violation for that is just a \$50 fine. And then, most of times we try and work around...

COUNCILMEMBER HOKAMA: Are you citing them?

MR. ARASE: Yes, sir. Yes, sir, I am citing them. Most of the times we try and work around it. So, we don't have to tow the cars because by the time, see, here's the thing too, so by the time the time runs out, so, if there's no parking from 1:00 to 2:30, and the school gets out at 1:15, at one o'clock the violations starts.

COUNCILMEMBER HOKAMA: Correct.

MR. ARASE: But by the time we call in a tow and get approval from my sergeant to actually get a tow to tow the car out, I mean, it's already over, yeah. Everybody's back in their cars with their parents and they're home already. It's going to take at least an hour or so to get the tow out.

COUNCILMEMBER HOKAMA: So, are you saying the violation cannot effectuate the citation because you gotta go through a process that takes too damn long?

MR. ARASE: I can cite the car, sir. But to tow the car it's a process 'cause we can't just call the closest tow. Through the Maui Police Department, we go through a rotation. So, it might come from Kitagawa's in Wailuku, or another place in Kahului. And the traffic at that time is, I mean, you got 15 minutes on Wednesday to tow a car, it's not going to happen.

COUNCILMEMBER HOKAMA: Yeah, I see your challenges, Officer. I'm happy you're making us aware of things, because one thing the Department, your, the Department needs, you know, we have no overnight parking in this County by ordinance, yeah?

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MR. ARASE: That's correct.

COUNCILMEMBER HOKAMA: You guys need to start tagging a lot more, 'cause I cannot have our streets inaccessible to first responders.

MR. ARASE: That's correct.

COUNCILMEMBER HOKAMA: So, I expect you guys to start citing a lot more violations on overnight parking and everything else. And I'm open to this proposal, Chair. It makes sense to me. Thank you.

CHAIR COCHRAN: Thank you, Mr. Hokama. And, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, I support this also. I'm glad to see that the Principal from the school sent a letter, and I guess the PTO also. But I was wondering if you had a chance to talk to some of the merchants. Have you had any input with, I don't know, it would be Lahaina Town Action Committee, or across the street is, what is it, the Theo Morrison's organization.

CHAIR COCHRAN: Lahaina Restoration Foundation.

COUNCILMEMBER SUGIMURA: Lahaina Restoration, so, any organization, community organization like that?

MR. ARASE: We actually do keep into contact with Theo, and then, there's a new Director, too. They've never had a problem with, it's never even been brought up as an inconvenience to them, to us. And most of the times, I kind of recognize the cars that the merchants do park there and I can go over there and talk to them and they're always apologetic and there's never been a negative issue about it.

COUNCILMEMBER SUGIMURA: Very good, thank you.

CHAIR COCHRAN: Yeah. Thank you, Ms. Sugimura. Members, any other...yes, Mr. Atay?

COUNCILMEMBER ATAY: Chair, I'm in support of this. You know, you're talking a loading zone, safety for the children, ease of flow of traffic. But you've also, aside from addressing one problem, you've also cited another problem. And, Chair, this is not an agendized item, but I don't know which committee would handle this is to consider an area rotation for the tow. If the quickest guy is in Kahului, and your tow zone period is, you only got an hour or half an hour left and then after that the guy is not in violation, should we just get out of rotation and who's in Lahaina that can immediately tow. Chair, I don't know if, where do we take that up to address the tow zone, the towing rotation.

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CHAIR COCHRAN: Yeah, thank you, Mr. Atay. I've looked into that a little bit. But different item, so yeah, thanks for bringing that up. Any other Members have any further questions or comments? I think this one is definitely a straightforward recommendation or ask and I'm happy to be here to entertain a motion at this time to recommend passage of the revised proposed bill entitled, A Bill for an Ordinance Amending Sections 10.48.220 and 10.56A.010, Maui County Code, Relating to Tow-Away Zones and Loading Zones; also incorporating any revisions made by Committee at the meeting and non-substantive revisions; and filing of County Communication 18-283. Mr. Guzman?

VICE-CHAIR GUZMAN: Oh sorry, so moved. So moved.

COUNCILMEMBER HOKAMA: Second.

CHAIR COCHRAN: It's been moved by Vice-Chair of the Committee, Mr. Guzman, and seconded by Mr. Hokama. Members, any further discussion needed at this time? Seeing none, all those in favor say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR COCHRAN: Any opposed? No opposed, motion passes with let's see, five "ayes," two excused, and, one excused, one absent, and zero opposed. So, motion passes.

**VOTE: AYES: Chair Cochran, Vice-Chair Guzman,
Councilmembers Atay, Hokama and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: Councilmember White.

EXC.: Councilmember Carroll.

MOTION CARRIED.

**ACTION: Recommending ADOPTION of revised proposed bill and
FILING of communication.**

CHAIR COCHRAN: Officers, thank you so much in the work you do in Lahaina for us and everywhere. So, thank you for being with us today.

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**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
(CC 18-150)**

CHAIR COCHRAN: Members, last but not least we have IEM-66. And this is the 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. And this Committee is in receipt of County Communication 18-150, from the Department of Public Works, transmitting proposed resolution entitled, Accepting Dedication of Roadway Lots for the Wailuku Country Estates Subdivision Situation in Wailuku, Maui, Hawaii Pursuant to Section 3.44.015, Maui County Code. And the purpose of this proposed resolution is to accept the dedication from CGM, LLC, a dissolved Hawaii limited liability company, for roadway lots located within the Wailuku Country Estates Subdivision, identified for real property tax purposes as TMK (2) 3-3-017:189. The dedication includes roadway lots 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206. The Director of Public Works also transmitted a proposed resolution to accept a grant of nonexclusive easements from Wailuku Water Company, LLC over portions over Waihee Ditch. The Committee is also in receipt of correspondence dated September 19, 2018, to the Department of Corporation Counsel, transmitting a revised proposed resolution entitled, Accepting the Grant of Non-Exclusive Easements Situated in Wailuku, Maui, Hawaii, Over Waihee Ditch, Pursuant to Section 3.44.015, Maui County Code. And this revised proposed resolution corrects the tax map key number referenced in Exhibit "1" to the parcel identified for real property tax purposes as tax map key (2) 3-3-017:186, incorporates the size of the proposed easements, and incorporates non-substantive revisions. At this time, I would like to open the floor to Department of Public Works and Corporation Counsel to provide comment on the proposed reso, and the revised proposed reso, and to provide background on this proposal. But real quickly, when I mentioned all those numbers, 195 is not supposed to be in there? I guess I was like going 196, 197, 194 to 196. Is there no, is that correct? I don't know if that's a typo. But I was wanting to double make sure. There's no 195 in there?

MR. GOODE: That's correct.

CHAIR COCHRAN: Okay. Alright, anyways, okay. So, the floor is yours, Director.

MR. GOODE: Okay. Thank you, Chair. Members, I'm going to try to be concise with this. But it is a long story. You know, Wailuku Country Estates was platted around year 200, 2001, went to construction. It was a lots-only subdivision. There's 180 some odd lots. And slowly, you know, people built houses, and the roads were always intended to be dedicated to the County. So, when they submitted the original application for subdivision it's checked off, yeah, roads to be dedicated to the County which meant we inspected them, et cetera. The Water Department inspected their waterlines, sewer lines, et cetera. And if you may recall, a few years ago we worked

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with the Council and we amended the Code so that roads that were built to our standards in subdivisions, we didn't have to bring them to the Council, but we would inform the Council upon our acceptance. And that would be the case here if this subdivision fully met our standards. And there's one area where it doesn't quite meet our standards, which I felt was important that we came to the Council to make sure that, you know, this is done in accordance with that Code and show that there's a public interest. And the issue that we were dealing with, and the HOA was dealing with was that the original drainage scheme for the subdivision included putting some of the drainage water into the ditch, and that was the scheme. However, as the construction went along, the owner of the ditch said, no, I don't want the water in there anymore. I don't know the whole story or why that happened, but that's what happened. There are instances where some of the subdivision water does go into the ditch. But there's areas where they said it could not. So, it's essentially not in conformance with our codes as it relates to drainage and runoff. That being said, there are only minimal instances where the drainage was causing a problem, where it would pond up on Kahekili Highway. And so, essentially, in 2011, when the Arakawa Administration came back in, it had been an ongoing problem for a number of years. The HOA wanted to dedicate, the County was saying well, it doesn't meet our standards, and a lot of finger pointing going on as to what happened. And so, I sat down with the HOA, the representatives, you know, two of which are here today in the audience, and I said, you know, we gotta work on this together. We all gotta do something and see if we can make this work. So we looked at all kinds of options, what to do with the water, send it somewhere else downstream, across the road. None of those were really panning out. And so, I said well look, let's do our best, let's do our, what can we do here that's best for everybody? And so, the HOA really rolled up its sleeves. And so, you know, I want to point out that like they said, they spent like a quarter of a million dollars fixing the road, fixing the striping, making sure the signs were, are current signs, retro-reflectivity. They went out and bought portions of properties through easements to create more drainage for the water to go within their own properties. And we in turn basically said, you know if you do those other improvements, you know, we'll work with you to accept these roads. And also, we the County, we'll go after the original developer and we did. So, Corp. Counsel, I think it was Tom Colby, we got a judgment against CGM, or I think that's the initials of the LLC that still have the road, and Bryan Anderson was the principle of that. We have a judgment against them. Whether we're going to be able to collect on the judgment's another matter. We do have a judgment for them failing to do their original obligation, you know, follow the plans. They failed, they didn't secure whatever rights they were going to use to, for the ditch. And so, you know, we filled our obligations there. We've worked with each other, let's get this far as we can. But my only remaining lingering concern is the liability associated with, you know, water going on the road. That's why you see in this resolution that the HOA will provide, 'cause we have a strong HOA, that's really key here, they have a lot on their plate. But they also have the resources through the size of their subdivision and the number of homes that they can insure and indemnify, and Mr. Galazin can get into the language if you'd like to, the County that should those basins down at the bottom, you know, where Kamaile comes off

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Kahekili, there's a couple basins there, you know, to insure, to indemnify the County should something happen. We've had, of course, major rainstorms in the last 15 years and being able to watch what happens. There was one just a year or two ago I think it was, they got like ten inches up there in a really short time. I went up there with Mr. Blackburn, he showed me the areas and what was going on. We had a lot of other problems that were way worse than that problem. In fact, just down the road between the Kamaile intersection and heading towards Hale Mua we've got a little stream that comes through there, plugged it up, it was plugged up again, you know, water's flowing all over the road. It was much more dangerous than what was happening in Wailuku Country Estates. So, given all the above, we felt that the HOA has done everything they can, you know, they relied on the developer to do this. The developer's gone. We've gone after the developer. We've at least accomplished that. We've worked with them to do the necessary road improvements. The deeds you can see are substantial. I'm sure they have a lot of attorney costs in this. There's a lot on all those lots. The roads actually go over the upper ditch. So, we need easements over those ditches. There's, again, they've done a lot of work to get to this point and we think that the original intent was to dedicate to the County, you know, it's technically all there with the exception of this drainage portion. We're now insured on the drainage portion. We think that this is ready for dedication. So, Chair, I tried to make it as simple. I'm sure there may be questions from the Members. But that concludes my portion of the overview. Thank you.

CHAIR COCHRAN: Thank you, Director. And, Mr. Galazin, did you have anything to add?

MR. GALAZIN: Thank you, Chair. I would simply echo what the Director eluded to. Deputy Corporation Counsel Tom Colby did file the complaint for injunctive relief, as well as get the judgment. And the association is agreeing to hold the County harmless and defend it, indemnify. So, for anything that relates to Title 18, Title 16, you know, roadways, drainages, drainage ways, other improvements, that means, you know, the County won't even be dragged in. It's their responsibility and they're going to maintain that responsibility to defend it if any problems do come up. Just understand that there may be problems, and the fact that the association is willing to take that on, I think should offer some level of comfort that if they feel it's an acceptable risk for them knowing that there could be issues, and I think the Department has articulated that, you know, they feel they are comfortable as well. So, I don't have very much more to add than that.

CHAIR COCHRAN: Thank you, Corporation Counsel. At this time, Members, the floor is open for you folks. Yes, Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. Wailuku Country Estates is in my district. I did meet, well this is 18 months ago, I think I met with a couple of the HOA members, in particular, I did meet with the manager, Joe Blackburn, as well as Dain Kane. In initiating the process and the discussion of moving this forward towards dedication of the roads, it just so happened that there was a big storm and I had firsthand

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experience of that area, and I shared with them my concerns about the flooding of the road, where the waters would spill over onto the highway, onto Kahekili Highway, which would create cars to probably hydroplane. You know, so, when I visited with them, I said, you know, we need to fix that to fix the overflow and the runoff of water from the roadways. And I met with them again, I met with Joe Blackburn and we did a site visit out there and we looked at the roads and the creation of the swales and the extra property that they purchased so that they could handle the overspill and creating the collective basin to the point where I too would agree with Director, that they've carried this as far as they could and met some of the requirements of concerns that I held in regards to accepting this dedication. I know that some of the easements, the roads go over the ditch, which is, you know, I think that's a big thing to all of these parcels that you were citing were really all the different roadways that encompasses the entire Wailuku Country Estate. And as Director pointed out, I guess all those roads were built according to County standards. But my main concern was to address the flooding or potential overflow, over spilling of water. And engineering-wise and clearing, and preparing, I think they're, they've met that standard and I would support this.

CHAIR COCHRAN: Thank you, Mr. Atay. Members, any other...yes, Mr. Guzman?

VICE-CHAIR GUZMAN: Yeah, thank you, Chair. I had a couple questions. You know, on the judgment that we were able to obtain on the former developer, the conditions that were not completed, were those, specifically are those, is Corp. Counsel able to tell those, tell us what those conditions were?

CHAIR COCHRAN: Mr. Galazin?

MR. GALAZIN: Thank you, Chair. I would probably defer to the Director if he knows more about the history of it.

MR. GOODE: Okay.

CHAIR COCHRAN: Yes, Director?

MR. GOODE: So, Mr. Guzman, you mean by conditions, you mean the conditions of subdivision approval or...

VICE-CHAIR GUZMAN: Yeah, well you mentioned earlier in your statement that the County was able to obtain a judgment on the developer, and then you had mentioned that the developer did not complete some of the requirements or obligations, I guess you used the word obligations, and I wanted to know what exactly were those obligations? And are we now as the County absorbing those obligations and further on the taxpayers would then have to complete those obligations, wherein, the developer failed to do? And obviously, what is this, I guess this is going to be a triple question here in one

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compound at least, that the original developer is now solvent and therefore, we cannot obtain that, move forward on the judgment?

MR. GOODE: Okay. Well, I can speak to the technical portion. So, primarily the issue was that they didn't perfect the right to put the water in the Spreckels Ditch and at that time, then the owner of the Spreckels Ditch said we're not going to grant it. And, but the bonded subdivision approval was based on that design. And so, the water needed to go somewhere else. There's a couple places where it could go in the long term. And one is the Hale Mua property, which has been in the news recently and they've reverted back to agriculture. That has been looked at from an engineering perspective. There's certainly a possibility that should Hale Mua ever come back to the Council, that it could be conditioned to say go help deal with this drainage problem. So, that's one possibility, so, we're talking about like future taxpayers' expense?

VICE-CHAIR GUZMAN: Well, so, you're saying that the original obligation was on the developer to perfect the, I guess, the, or create a drainage system and therefore, he wasn't, or it, the entity, didn't do so in accordance with the subdivision plans?

MR. GOODE: Right, so, they did most of it. There's, you know, this is only, it's a large subdivision, right? So, this is just the one end. So, most of it's fine. It's just this area that's not, that doesn't fully meet our standards. And so, that's why, you know, we couldn't approve accepting the roads for a long time. And that's why we worked with the HOA to say well, what can we do? You know, what can we all do? We initially, after it first became obvious to us from my understanding back in 2003 or '04 that they were no longer going to be able to put the water in the ditch, they went after the subdivision bond. That didn't go anywhere 'cause Assurity company said well, we bonded it for this improvement. So, if they're going to change the improvement, then that's, you know, it's not our responsibility. Meanwhile, folks are moving in, they're building homes. And so, you know, we tried make as best a fit as possible from a technical standpoint. They added, you know, additional drainage basins. We got the experience of watching the actual runoff. And so, that's why we felt, you know, the insurance and the indemnity, the defense clauses, you know, protected us as best as we can given what we have.

VICE-CHAIR GUZMAN: We're not able to move forward to execute the judgment because of why? You can't get a hold of the original developer, you know, Corporation Counsel?

MR. GALAZIN: Chair? Thank you. Yeah, that's my understanding is that because the insolvency of the original subdivider, that's something that we simply could not do, and as the Director mentioned also, prying loose bonds from Assurity is an onerous chore under the best of circumstances. And this one where they clearly had contemplated one proposal and they bonded for that, and what, they were not able to do that, so, Assurity at that point was not willing to release those funds. And so, rather than try and litigate that, what we've done is, you know, we have this agreement here where at some point, you know, it's possible, I don't know if the

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Director has any more of a better understanding of the timeline of it, but the homeowners association can go ahead and come up with approved plans that meet both Title 16 and Title 18, and go ahead and put everything up to standard. Then at that point, then they would be up to standard and then their obligation would cease. But until such time, they're going to remain, they are the ones who are going to remain on the hook.

VICE-CHAIR GUZMAN: Therefore, the indemnification?

MR. GALAZIN: That's correct, yes.

VICE-CHAIR GUZMAN: Yeah, thank you. Thank you, Chair.

CHAIR COCHRAN: Okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you. I cannot...I appreciate Mr. Guzman's concern and questions. This project has been a problem child for me for 20 years. Okay. Whether from the Department's side, or the developer's side, this has been a problem child, I can tell you that. And people ask us why do we put so many requirements or considerations to certain projects. Well, Mr. Anderson and CGM shows why Councils and the County takes hard positions on projects. Okay. We got one a-hole here who has screwed up a lot families dreams of getting a reasonable ag lot for housing and agriculture purposes. So, the intent was not the issue. But the way these people went about the project, I can tell you, 'cause I know our engineers were involved, whether we go to Mr. Lee or others of the County, this has been, like I said, a problem child. For me, I can appreciate those that have brought in trying to resolve the issues. And I can appreciate Mr. Goode's efforts because our Department should've done a better job upfront in reviewing and before we approved this project. I don't know why we didn't require this developer to put a bond to insure compliance on infrastructural needs. That is part of the issue today before us on acceptance of dedication and easements. So, I'm not a happy Councilor with this project. I appreciate the homeowners association efforts. But this is not how to do a project, Chair, not how we want to do projects. But my one concern is, since this is nonexclusive, how do we now have to sign off over a ditch easement? Is it because we had to approve the drainage plan that now we have to enter into this easement?

MR. GALAZIN: Chair? Thank you. Are you referring to the second item, the grant of nonexclusive easement over the Waihee Ditch?

COUNCILMEMBER HOKAMA: Yes, and again, I ask you these questions, counselor, and help us understand because in the documents we get, one of the last one it says, not applicable because this is a granting of a nonexclusive easement and not a dedication to the County of Maui. So, if that's the case, why am I granting an un-exclusive easement since it's not a dedication and has nothing to do with what I thought we're supposed to do?

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MR. GALAZIN: So, the, having the nonexclusive easement provides the County with certain enumerated rights but does not dedicate the entirety of the property, the whole bundle of sticks that we refer to in the law to the County. As far as I understand from Public Works, the County doesn't need the entirety of those rights. We just need the access purposes, you know, as enumerated here to construct, reconstruct, install, maintain, you know, the culverts and any appurtenances. So, therefore, we feel it, you know, it's better to have the nonexclusive easement, rather than the entire property itself. That means the property owners still can do certain things so long as they're not in conflict with what we need this easement for. And this easement accomplishes the goals that the Department's seeking.

COUNCILMEMBER HOKAMA: So, besides accepting the dedication, which, you know, is one of those, one of the big issues for the homeowners, and I understand that point, I'm still trying to get a grasp of this ditch one. Is it because we approved the drainage plan, is now we, so, we are now responsible, and we need to do all these requirements, including all this work under, above, and over this ditch?

MR. GOODE: Chair, Mr. Hokama, remember there's two ditches here. So, this is the upper Waihee Ditch. So, it was actually a separate parcel owned by Wailuku Water Company. It was never part of the actual subdivision. It's an existing long skinny parcel that the roads, internal subdivision roads, Kamaile, and I think it's Maika go over it. So, they're just, they still own the underlying property, being the ditch, our road, or their road, the road we're contemplating today goes over that ditch. So, we want the, they had to grant us an easement to go over their ditch. The issue where we had the acceptance of water was down below in the Spreckels Ditch near Kahekili Highway. So, it was just a, just kind of the way the map is. It was a preexisting ditch lot, and the subdivisions on both sides of it with the road going over it.

COUNCILMEMBER HOKAMA: Okay. So, the dedication of roadway is only between the County and homeowners association and then, the easement over the ditch is between us and Wailuku Water Company. Is that what is before us? So, we're looking at specifically two different things trying to be combined in one resolution, then, Chair?

MR. GALAZIN: Yeah --

CHAIR COCHRAN: Mr. Galazin?

MR. GALAZIN: --yeah, there are two separate resolutions. One, the nonexclusive easement for the ditch, that was recently revised and transmitted back on September 28th to go ahead and correct a couple of minor items as the Chair eluded to earlier. But the first resolution for the dedication of the roadway lots is the same resolution as dated, I don't know what the date on it was, but when it was originally transmitted by the Public Works Director.

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COUNCILMEMBER HOKAMA: Did the original developer be required, and if they did receive any requirements of bonding for certain improvements required to make this project go? Did we require any bond or bonding requirements that they had to put up to insure completion or compliance that if they didn't perform, we would use the bond to complete the performance?

CHAIR COCHRAN: Director?

MR. GOODE: Madam Chair? Yes, it was a bonded subdivision approval. So, a bond was put up for the entire improvements. As work progressed, as in many projects, the bond amount was reduced.

COUNCILMEMBER HOKAMA: Right.

MR. GOODE: I think it was more than a year, usually bonds are good for a year. In the end, I think there's about a half a million dollars remaining, that's what my understanding is. And then, upon tendering that to the bond company saying hey, they didn't finish over here, we need the money, that's when we were basically rejected. And they had pretty good reasoning being that well, we bonded for this project and the developer's not doing it. So, it wasn't due to some other defect. In any case, they wouldn't pay at all which led us down the road of, my understanding is that bond is eventually released, and then we've been working with the HOA and Corp. Counsel since then, going after the developer individually, et cetera.

COUNCILMEMBER HOKAMA: Do they have a license or something we can go after?

MR. GOODE: They being?

COUNCILMEMBER HOKAMA: The developer.

MR. GOODE: I don't know unless they have like a general contracting license...

COUNCILMEMBER HOKAMA: No, because I have no problem instituting debarment proceedings against entities like this, businesses like this and have them not be allowed to do business in the State of Hawaii for "x" years.

MR. GOODE: All I can say as you know, CGM currently is dissolved. But they still have the, they've worked it out, the legal aspects of having them sign off on all the deeds and all that. So, I'd have to defer to Corp. Counsel on how they would look to, you know, perhaps they could pursue the judgment at a later time when they feel there may be assets.

COUNCILMEMBER HOKAMA: Okay. We only can go after the corporate or so-called business asset, counselor.

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MR. GALAZIN: Thank you, Chair. Yes, that's correct. So, currently we've got the judgment, you know, we have that and what we can do with it, we're limited right now, but we still possess it. So, in the future if an opportunity arises, that...

COUNCILMEMBER HOKAMA: Can this be turned into a personal lien against Brian Anderson?

MR. GALAZIN: Are you referring to something akin to piercing the corporate veil and going after someone...

COUNCILMEMBER HOKAMA: Well, we know who screwed up. Okay. This is Hawaii, hard to hide.

MR. GALAZIN: Yeah, to the extent that we could go after the person individually, that is a difficult process, and I don't know to what extent our litigators looked into that. If it was a viable option previously my presumption would be they would have gone that route already. So, there must be some impediment right now. If there's a way to do it in the future, then we still have this in our pocket, and this is a judgment that, you know, wouldn't, it doesn't go away.

COUNCILMEMBER HOKAMA: No, I understand, and I appreciate you saying that, counselor. Shame on him, and shame on that family name. That's all I can say. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Hokama. Members, any other questions or comments needed at this time? And yes, this is a long time coming. It's been, as Mr. Hokama said, I see our guests in our gallery shaking their heads, going yes it has been. Members, then at this time I'm going to enter...give my recommendation.

COUNCILMEMBER HOKAMA: Recommendation.

CHAIR COCHRAN: The Chair will entertain a motion to recommend adoption of the proposed resolution entitled, Accepting Dedication of Roadway Lots for the Wailuku Country Estates Subdivision Situated in Wailuku, Maui, Hawaii, Pursuant to Section 3.44.015, Maui County Code; incorporating any revisions made by this Committee at the meeting and non-substantive revisions.

COUNCILMEMBER HOKAMA: I'll make the motion.

CHAIR COCHRAN: Okay. It's been moved by Mr. Hokama, it's been seconded by Mr. Atay. Members, at this time are there any further discussion needed? If not, then all those in support say "aye".

COUNCILMEMBERS VOICED AYE.

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**

Council of the County of Maui

October 1, 2018

**VOTE: AYES: Chair Cochran, Vice-Chair Guzman,
Councilmembers Atay, Hokama and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: Councilmember White.

EXC.: Councilmember Carroll.

MOTION CARRIED.

**ACTION: Recommending ADOPTION of revised proposed resolution
and FILING of communication.**

CHAIR COCHRAN: Members, that's it. So, that's our final item of the day. Thank you, members in the gallery, for your diligence and patience throughout the decades, I believe. And with that, Members, we are adjourned. . . .(gavel). . .

ADJOURN: 3:47 p.m.

APPROVED BY:



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

iem:min:181001:mt

Transcribed by: Marie Tesoro

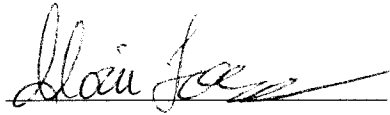
**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**
Council of the County of Maui

October 1, 2018

CERTIFICATE

I, Marie Tesoro, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 22nd day of October 2018, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read "Marie Tesoro", is written over a horizontal line.

Marie Tesoro