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COUNCIL OF THE COUNTY OF MAUI

2022 MAR 24 PM 4: 30

A G E N D A

Regular Meeting of April 1, 2022
9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site:

Online via BlueJeans link <https://maui.bluejeans.com/295235670>

In Person Testimony and Viewing:

Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast:

Akakū – Maui Community Media, Channel 53

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: county.clerk@mauicounty.us

OFFICIAL TESTIMONY LOCATIONS

Members of the public may view the meeting and provide testimony in person at the following location:
Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i.

Individuals may provide oral testimony by phone or video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link:
<https://maui.bluejeans.com/295235670>.

Written testimony may be submitted by e-mail to county.clerk@mauicounty.us, by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony must be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony must be received by 12:00 noon on the business day preceding the meeting.

Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk ((808) 270-7748) prior to the meeting.

COURTESY TESTIMONY SITES – COUNCIL DISTRICT OFFICES

East Maui
Hāna Cultural Center & Museum
4974 Uakea Road, Hāna
(808) 248-7513

South Maui
MEDB Building
130-5 North Holopono, Ste. 9, Kihei
(808) 793-0012

Moloka'i
Moloka'i District Complex
100 Ainoa Street, Kaunakakai
(808) 553-3888

West Maui
Old Lahaina Center
845 Waiee Street, Lahaina
(808) 856-0123

Lāna'i
Lāna'i Community Center
8th Street, Lāna'i City
(808) 565-7094

Makawao-Ha'ikū-Pā'ia
Heritage Hall
401 Baldwin Ave, Ste. 102, Pā'ia
(808) 793-0099

Subject to change and staffing availability without notice. Visit mauicounty.us for more information.

TESTIMONY PROCEDURES

Oral or written testimony on any agenda item will be accepted. Each testifier shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. Individuals wanting to view the remainder of the meeting may do so on Akaku Channel 53 or at mauicounty.us/agendas. Individuals may be disconnected from the meeting for breaking decorum.

If the connection between any testifier and the video conference is lost, the meeting will still continue.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER TAMARA PALTIN

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. 22-92 "CONGRATULATING THE MAUI PREPARATORY ACADEMY BOYS BASKETBALL TEAM FOR WINNING THEIR FIRST DIVISION II STATE CHAMPIONSHIP ON FEBRUARY 26, 2022"

NO. 22-93 "CONGRATULATING THE KING KEKAULIKE HIGH SCHOOL BOYS SOCCER TEAM FOR WINNING THEIR FIRST DIVISION I STATE CHAMPIONSHIP ON MARCH 5, 2022"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Regular Meeting of January 7, 2022

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

- NO. 22-74 - MAYOR, informing of the appointment of Kenneth Duane Sparkman to the Maui County Arborist Committee.
- NO. 22-75 - MAYOR, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Billi Bellinger.
- NO. 22-76 - MAYOR, informing of a vacancy on the Liquor Control Adjudication Board due to the resignation of Colleen Cluney.
- NO. 22-77 - MAYOR, informing of the appointment of Ernest Harold Rezens to the Maui County Arborist Committee.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 22-78 - DIRECTOR OF FINANCE, transmitting 55 contracts/grants for the month of February 2022.
- NO. 22-79 - ACTING DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for January 2022 for all registered well reporters in the County of Maui.
- NO. 22-80 - CHAIR, AGRICULTURE AND PUBLIC TRUST COMMITTEE, transmitting a proposed amendment to Resolution 22-79, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS AND THE MAUI COUNTY CULTURAL RESOURCES COMMISSION PROPOSED BILLS RELATING TO CULTURAL OVERLAY DISTRICTS".
- NO. 22-81 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2023 Fund as of February 28, 2022.
- NO. 22-82 - MAYOR, transmitting the Mayor's Fiscal Year 2023 Budget Message.

K. COMMITTEE REPORTS:

NO. 22-28 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending **FIRST READING** of Bill 54, CD1 (2022), to establish additional qualifications for the Director and Deputy Director of Agriculture.

K. COMMITTEE REPORTS (continued):**NO. 22-29 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:**

Recommending **FILING** of communication relating to Grant G5537, relating to the Building Coastal Resilience Through Seabird Protection and Raising Public Awareness project, Ordinance 5217 (FY 2022).

NO. 22-30 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-24 to authorize settlement of Jessica Harris v. Haleakala Bike Company, Incorporated; Paradise Vacation Adventures, LLC; State of Hawaii; County of Maui, et al., Civil 18-1-0202(1).

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

NO. 22-31 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending **ADOPTION** of Resolution 22-69, CD1, authorizing the disposition of a 2.831-acre portion of County property located at 275 Uhu Street, Kahului, Maui, Hawaii, to Hale Makua Health Services.

NO. 22-32 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 39, CD1 (2022), to establish Chapter 5.30, Maui County Code, relating to electric gun dealer licensing; and
2. **FIRST READING** of Bill 40 (2022), to amend the Fiscal Year 2022 Budget, Appendix B, Revenues – Fees, Rates, Assessments and Taxes, Department of Finance, by adding an application fee and annual license fee for gun dealer licenses, effective July 1, 2022

NO. 22-33 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 24, CD1 (2022) to amend Title 19, Maui County Code, to lower the maximum building heights in the B-2 Community Business District, B-3 Central Business District, and P-1 and P-2 Public/Quasi-Public Districts; and
2. **FILING** of communications.

L. RESOLUTIONS:

- NO. 22-50 "RELATING TO THE APPOINTMENT OF ALTON KIYOSHI WATANABE TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-58 "APPROVING THE APPOINTMENT OF JORDAN MOLINA AS THE DIRECTOR OF PUBLIC WORKS"
- NO. 22-61 "RELATING TO THE APPOINTMENT OF EVAN PURCELL DUST TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-62 "RELATING TO THE APPOINTMENT OF DONNA DEAN STERLING TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"
- NO. 22-86 "APPROVING THE APPOINTMENT OF HELENE KAU AS THE DIRECTOR OF WATER SUPPLY"
- NO. 22-87 "AUTHORIZING SETTLEMENT OF CLAIM NO. 4063291 OF LORI DONALDSON"
- NO. 22-88 "APPOINTMENT OF VERNON KANANIOLAIE KALANIKAU TO THE AHA MOKU SEAT ON THE CONSERVATION PLANNING COMMITTEE"
- NO. 22-89 "CONDEMNING RUSSIA'S INVASION OF UKRAINE AND SUPPORTING PEACE"
- NO. 22-90 "URGING THE UNITED STATES SECRETARY OF HOMELAND SECURITY TO TEMPORARILY WAIVE JONES ACT REQUIREMENTS FOR OIL IMPORTED TO HAWAII"
- NO. 22-91 "DISAPPROVING THE APPOINTMENT OF JORDAN MOLINA AS THE DIRECTOR OF PUBLIC WORKS"
- NO. 22-94 "RETRACTING ALTERNATIVE AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE 2021-2022 MAUI COUNTY CHARTER COMMISSION FINAL REPORT"
- NO. 22-95 "AUTHORIZING SETTLEMENT OF CLAIM NO. 4073176 OF FIRST INSURANCE COMPANY OF HAWAII, LTD. ON BEHALF OF ITS INSURED ANITA MOSUELA"
- NO. 22-96 "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2022"

M. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

N. BILLS:

- BILL NO. 65 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR BRUSH CLEARING AND PUBLIC PARKING PURPOSES"
- BILL NO. 66 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.02, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI"
- BILL NO. 67 (2022) - "A BILL FOR AN ORDINANCE FOR A CHANGE IN ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049"
- BILL NO. 68 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.97, MAUI COUNTY CODE, CREATING A MANAGED RETREAT REVOLVING FUND"
- BILL NO. 69 (2022) - "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023"
- BILL NO. 70 (2022) - "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2023"
- BILL NO. 71 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE HUNDRED FORTY-NINE MILLION SEVEN HUNDRED THIRTY-SIX THOUSAND SEVEN HUNDRED NINETY-THREE DOLLARS (\$149,736,793) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS"

N. BILLS (continued):

BILL NO. 72 (2022) - "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI"

BILL NO. 73 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2023 BUDGET ORDINANCE"

BILL NO. 74 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON UAKEA ROAD, HANA, MAUI, HAWAII"

O. BILLS - SECOND AND FINAL READING:

BILL NO. 13, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.40.080, MAUI COUNTY CODE, TO AMEND CONDITIONS, AMENDMENTS, AND MODIFICATIONS OF CONDITIONAL PERMITS"

BILL NO. 60 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF FINANCE, GENERAL FUND, SPECIAL LICENSE PLATES"

BILL NO. 61 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO USE OF THE AFFORDABLE HOUSING FUND"

BILL NO. 64 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, BOND ISSUANCE AND DEBT SERVICE; TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

P. UNFINISHED BUSINESS:**COMMITTEE REPORT:****NO. 22-24 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:**

Recommending the following:

1. **ADOPTION** of Resolution 22-79 referring bills to the Lānaʻi, Maui, and Molokaʻi Planning Commissions and the Maui County Cultural Resources Commission relating to cultural overlay districts; and
2. **FILING** of communication.

NOTE: "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.

IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF THE BLUEJEANS CONNECTION IS PREMATURELY TERMINATED, FOR WHATEVER REASON, PLEASE LOG BACK INTO THE SAME LINK. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.

IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.

ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR COUNTY.CLERK@MAUICOUNTY.US.