

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of April 22, 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, 8<sup>th</sup> 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](mailto: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, 8<sup>th</sup> 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](mailto: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  
1305 North Holopono St., 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 Wainee Street, Ste. 205, 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](http://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](http://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 GABE JOHNSON

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. 22-103 "HONORING THE MAUI NUI WINNERS IN THE 2022 STUDENT TELEVISION NETWORK NATIONAL CONVENTION MEDIA COMPETITION"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Regular Meeting of January 21, 2022  
 Regular Meeting of February 4, 2022

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**I. ACTION ON THE CONSENT CALENDAR****COUNTY COMMUNICATIONS:**

- NO. 22-83 - PROSECUTING ATTORNEY, informing of the receipt of \$2,794 in Forfeiture Funds from the State of Hawaii, Department of the Attorney General.
- NO. 22-84 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Log No. 21-194 Modification Order No. 1 from the State of Hawaii, Executive Office on Aging, for Title III Programs in the amount of \$115,166.
- NO. 22-85 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Log No. 21-194 from the State of Hawaii, Executive Office on Aging, for Title III Programs in the amount of \$177,592.
- NO. 22-86 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging, for Senior Center Services in the amount of \$175,500.
- NO. 22-87 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Noemi Barbadillo.
- NO. 22-88 - MAYOR, informing of a vacancy on the Urban Design Review Board due to the resignation of Stuart Marlowe.
- NO. 22-89 - MAYOR, informing of the appointment of Kenneth Duane Sparkman to the Maui County Arborist Committee.
- NO. 22-90 - DIRECTOR OF FINANCE, informing of the acceptance of a Roadway/Road Widening Lot, Omaopio Ehiku Subdivision, Lot 3, TMK: (2) 2-3-003:060 POR.
- NO. 22-91 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement 159 & 160, 1800 Farrington Avenue, Lot 136 – Molokai Land Trust, TMK: (2) 5-2-028:100 POR.

**J. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

- NO. 22-92 - DIRECTOR OF FINANCE, transmitting 65 contracts/grants for March 2022.
- NO. 22-93 - CHAIR, MAUI COUNTY CHARTER COMMISSION, transmitting the Charter Commission's response to the Council's alternative proposed Charter amendments.
- NO. 22-94 - COUNCILMEMBER SUGIMURA, relating to a report by Councilmembers on discussion that took place at the Maui Metropolitan Planning Organization Policy Board Meeting on March 14, 2022.

J. COMMUNICATIONS (continued):

- NO. 22-95 - COUNCILMEMBER KING, relating to a report by Councilmembers on discussion that took place at the housing town hall in Kihei on March 22, 2022.
  
- NO. 22-96 - CHAIR, INFRASTRUCTURE AND TRANSPORTATION COMMITTEE, transmitting a proposed amendment to Bill 59, CD1 (2022), entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.20B, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.20C, MAUI COUNTY CODE, RELATING TO THE PLUMBING CODE".
  
- NO. 22-97 - CHAIR, PLANNING AND SUSTAINABLE LAND USE COMMITTEE, transmitting a proposed amendment to Resolution 22-51, CD1 entitled "SUPPORTING A PUBLIC PRIVATE PARTNERSHIP AGREEMENT RELATING TO INFRASTRUCTURE IMPROVEMENTS AND RESIDENTIAL WORKFORCE HOUSING FOR THE WAIKAPU COUNTRY TOWN PROJECT".
  
- NO. 22-98 - PRESIDING OFFICER PRO TEMPORE KAMA, transmitting a proposed amendment to Bill 39, CD1 (2022), entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING".
  
- NO. 22-99 - CHAIR, SALARY COMMISSION, relating to salary increases for Department Directors, Deputy Directors, and the County Auditor.
  
- NO. 22-100 - DIRECTOR OF FINANCE, transmitting the Short-Term Investment Reports as of March 31, 2022 (Fiscal Year 2022 Third Quarter).
  
- NO. 22-101 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending March 2022.
  
- NO. 22-102 - PLANNING DIRECTOR, relating to the South Maui Community Plan update.

K. COMMITTEE REPORTS:

- NO. 22-34 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:  
  
Recommending **ADOPTION** of Resolution 22-65 approving cost items for non-supervisory, blue collar employees included within Bargaining Unit 01 represented by the United Public Workers, for Fiscal Years 2022, 2023, 2024, and 2025.

K. COMMITTEE REPORTS (continued):

NO. 22-35 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of Resolution 22-84 authorizing the disposition of 19 lots in the Fairways at Maui Lani, identified as Tax Map Key ("TMK") (2) 3-8-096:001 through 007; TMK (2) 3-8-096:024 through 033; and TMK (2) 3-8-096:052 through 053, inclusive, to Na Hale O Maui for affordable workforce housing in perpetuity; and the waiver of outstanding real property taxes; and
2. **ADOPTION** of Resolution 22-85 authorizing the disposition of 16 lots in the Fairways at Maui Lani, identified as Tax Map Key (2) 3-8-096:008 through 023, inclusive, to Maui Health Foundation for developing and providing leasehold market rate homes for healthcare professionals in perpetuity; and waiver of outstanding real property taxes.

NO. 22-36 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending **FIRST READING** of Bill 30 (2022) amending the Fiscal Year 2022 Budget, Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds, by adding an appropriation under the Affordable Housing Fund for the extension on Wela Street, including street lighting, signage, striping, and landscaping, for the Kilohana Makai Project, in the amount of \$825,000.

NO. 22-37 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 35 (2022) amending Fiscal Year 2022 Budget, Appendix C, Capital Improvement Projects, by increasing the appropriation for the 60 South Church Street Building Renovations, under the Department of Management, Wailuku-Kahului Community Plan Area, by \$7,000,000;
2. **FIRST READING** of Bill 36, CD1 (2022) amending the Fiscal Year 2022 Budget general obligation bond authorization ordinance by increasing the appropriation under the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, by \$7,000,000 for the 60 South Church Street Building Renovations;
3. **FIRST READING** of Bill 37 (2022) correcting the appropriation for \$1,872,000 in lapsed bond proceeds for the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, to read 60 South Church Street Building Renovations; and
4. **FIRST READING** of Bill 38, CD1 (2022) amending the Fiscal Year 2022 Budget by: 1) increasing Bond/Lapsed Bond revenues by \$7,000,000; 2) amending Section 4.D.1.a, Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, Bond Fund, by increasing the appropriation for the 60 South Church Street Building Renovations by \$7,000,000; and 3) adjusting the totals accordingly.

K. COMMITTEE REPORTS (continued):NO. 22-38 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending **FIRST READING** of Bill 59, CD1 (2022) to update the County's Plumbing Code to incorporate the Uniform Plumbing Code, 2018 Edition, with additional revisions recommended by the Department of Public Works.

NO. 22-39 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of Resolution 22-71, CD1 urging the Federal Aviation Administration to more effectively regulate air tour helicopter operations in Maui County; and
2. **ADOPTION** of Resolution 22-74, CD1 urging the Federal Aviation Administration to adhere to the noise abatement areas over Maui County.

NO. 22-40 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **ADOPTION** of Resolution 22-51, CD1 supporting a public private partnership agreement relating to infrastructure improvements and residential workforce housing for the Waikapu Country Town project.

NO. 22-41 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **ADOPTION** of Resolution 22-70, CD1 referring to the planning commissions and advisory committees a proposed bill amending the comprehensive zoning ordinance relating to transient accommodation caps.

L. RESOLUTIONS:

NO. 22-76 "RELATING TO THE APPOINTMENT OF MARCY MIKI SASADA-PAIVA TO THE REAL PROPERTY TAX REVIEW BOARD"

NO. 22-78 "AUTHORIZING SETTLEMENT OF LYNCH, DONNA V. KA HALE A KE OLA HOMELESS RESOURCE CENTERS, INC.; ET AL., CASE 09-21-5673-8"

NO. 22-97 "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM"

NO. 22-98 "AUTHORIZING SETTLEMENT OF CLAIM NO. 4070286 OF DAVID GARDINER"

NO. 22-99 "APPOINTMENT OF KESHIA LEIANA ADOLPHO TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI"

L. RESOLUTIONS (continued):

- NO. 22-100 "AUTHORIZING ACCEPTANCE OF THE DONATION OF 80 MATTRESSES TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"
- NO. 22-101 "APPROVING THE APPOINTMENT OF MARIA L. LEON AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES"
- NO. 22-102 "AUTHORIZING SETTLEMENT OF ROBERT TURNER V. WAIAHIWI GULCH LAND COMPANY LLC, ET AL., CIVIL 18-1-0244(1)"
- NO. 22-104 "AUTHORIZING SETTLEMENT OF JAMIE BECRAFT V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-00849"
- NO. 22-105 "APPOINTMENT OF TONI KAHEALANI RUST TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI"
- NO. 22-106 "AUTHORIZING ACCEPTANCE OF THE DONATION OF SPORTING EQUIPMENT AND LABOR TO THE DEPARTMENT OF PARKS AND RECREATION FOR INSTALLATION AT THE LANAI FIELDHOUSE, LANAI CITY, HAWAII PURSUANT TO CHAPTER 13.04A, MAUI COUNTY CODE"
- NO. 22-107 "URGING MEMBERS OF CONGRESS TO CO-SPONSOR AND PASS THE 'NATIVE AMERICAN RURAL HOMEOWNERSHIP IMPROVEMENT ACT OF 2021'"

M. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

N. BILLS:

- BILL NO. 75 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.75, MAUI COUNTY CODE, RELATING TO COMMUNITY FACILITIES DISTRICTS"
- BILL NO. 76 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, FERAL ANIMAL RELIEF AND RECOVERY GRANT PROGRAM FOR FARMERS AND RANCHERS TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

N. BILLS (continued):

BILL NO. 77 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (POHAKEA WATERSHED LANDS (ALSO KNOWN AS MA'ALAEA MAUKA))"

BILL NO. 78 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D - CONDITIONAL LANGUAGE, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (POHAKEA WATERSHED LANDS (ALSO KNOWN AS MA'ALAEA MAUKA))"

O. BILLS - SECOND AND FINAL READING:

BILL NO. 24, CD1, FD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE'S DEVELOPMENT STANDARDS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS"

BILL NO. 39, CD1 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING"

BILL NO. 40 (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, ELECTRIC GUN DEALER LICENSE"

BILL NO. 54, CD1 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR AND DEPUTY DIRECTOR OF AGRICULTURE"

P. UNFINISHED BUSINESS:

RESOLUTIONS:

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"

**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, STE. 708, 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](http://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](mailto:COUNTY.CLERK@MAUICOUNTY.US).**