

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of June 21, 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
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 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.legistar.com. 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 TASHA KAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. 22-155 "COMMEMORATING THE 50TH ANNIVERSARY OF THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT"

NO. 22-156 "CONGRATULATING THE HAWAI'I ALL-STARS CHEERLEADING PROGRAM FOR WINNING GOLD IN TWO DIVISIONS AT THE 2022 ALLSTAR WORLD CHAMPIONSHIP"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

- NO. 22-138 - MAYOR, informing of a vacancy on the Committee on the Status of Women due to the resignation of Sheron Bissen.
- NO. 22-139 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Budget and Finance, for the Emergency Rental Assistance Program in the amount of \$117,561.74.
- NO. 22-140 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of Contract Log No. 20-251 Modification Order No. 4, from the State of Hawaii, Executive Office on Aging, for the Aging & Disability Resource Center in the amount of \$134,805.
- NO. 22-141 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of Contract Log No. 21-194 Modification Order No. 2, from the State of Hawaii, Executive Office on Aging, for the Title III Programs in the amount of \$509,365.
- NO. 22-142 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of Contract Log No. 20-194 Modification Order No. 10, from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$270,187.
- NO. 22-143 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of Contract Log No. 20-194 Modification Order No. 8, from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$236,552.
- NO. 22-144 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-1, 331 Waiehu Beach Road, TMK: (2) 3-4-043:011 POR.
- NO. 22-145 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement M, Maluhia at Wailea, TMK: (2) 2-1-008:062 POR.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 22-146 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for March 2022 for all registered well reporters in the County of Maui.

J. COMMUNICATIONS (continued):

NO. 22-147 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending May 2022.

K. COMMITTEE REPORTS:

NO. 22-47 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 21, CD1 (2022) to regulate all outdoor lighting fixtures, including swimming and decorative pool lighting, to be light emitting diode fixtures that are down directed, fully shielded, and mounted as low as physically possible to limit light trespass and reflection off ground surfaces to protect native Hawaiian seabirds from becoming disoriented by artificial light; and
2. **FILING** of communication.

NO. 22-48 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-152 authorizing settlement of claim by Gulsons, LLC.

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. 22-49 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-153 authorizing settlement of Claim 4067839 of 21st Century Insurance Company on behalf of its insured Abden and Delia Corpuz.

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.

K. COMMITTEE REPORTS (continued):

NO. 22-50 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-52, authorizing settlement of Claim 4064548 of Tyron Della.

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. 22-51 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-102, authorizing settlement of Robert Turner v. Waiahiwi Gulch Land Company LLC, et al., Civil 18- 1- 0244(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. 22-52 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of Bill 82 (2022) relating to Apartments in the M-2 Heavy Industrial District.

NO. 22-53 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of Resolution 22-154, referring to the planning commissions a proposed bill relating to converting apartment buildings from transient vacation rental use to long-term residential use; and
2. **FILING** of communication.

K. COMMITTEE REPORTS (continued):NO. 22-54 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 67 (2022) granting a Change in Zoning from Interim District to B-CT Country Town Business District for Lot 49-A, comprising 32,068 square feet of real property located at 80 Makaena Place, Kaunakakai, Molokai, Hawai'i, tax map key (2) 5-3-002:049; and
2. **FILING** of communication.

L. RESOLUTIONS:

NO. 22-150 "RELATING TO THE APPOINTMENT OF JOHN-RUSSEL KEIKILANI PHIFER TO THE MOLOKAI PLANNING COMMISSION"

NO. 22-151 "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO OFF-STREET PARKING AND LOADING"

NO. 22-157 "URGING THE MAYOR TO ENTER INTO NEGOTIATIONS FOR THE DONATION OF LAND FROM BIO-LOGICAL CAPITAL, LLC TO THE COUNTY OF MAUI"

NO. 22-158 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 5385 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII"

NO. 22-159 "AUTHORIZING A COUNCIL COMMITTEE TO CONDUCT A FORMAL INVESTIGATION OF THE DEPARTMENT OF PLANNING AND THE DEPARTMENT OF PUBLIC WORKS RELATED TO THE COUNTY'S ISSUANCE OF DEVELOPMENT APPROVALS FOR REAL PROPERTY LOCATED AT 5385 LOWER HONOAPI'ILANI ROAD, NAPILI, MAUI, HAWAII"

M. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

N. BILLS:

- NO. 107 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO AFFORDABLE HOUSING SALES PRICE GUIDELINES"
- NO. 108 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76 AND SECTION 13.04A.070, MAUI COUNTY CODE, RELATING TO USE OF VEHICLES FOR PURPOSES OF HUMAN HABITATION AT COUNTY PARKING LOTS"
- NO. 109 (2022) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 3.31, MAUI COUNTY CODE, RELATING TO GRANTS FOR HOME RESTORATION"
- NO. 110 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.475, MAUI COUNTY CODE, RELATING TO HOMES OF UNMARRIED SURVIVING SPOUSES OF VETERANS WHO DIED WHILE ON DUTY AND TOTALLY DISABLED VETERANS"

O. BILLS - SECOND AND FINAL READING:

- NO. 74, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON UAKEA ROAD, HĀNA, MAUI, HAWAII"
- NO. 98 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 68"
- NO. 100 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.98, MAUI COUNTY CODE, ALLOWING PARKS AND FACILITIES TO BE NAMED AFTER FAMILIES"

P. UNFINISHED BUSINESS:**BILLS - SECOND AND FINAL READING:**

- NO. 89 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY"

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.

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.