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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of February 17, 2023
9:00 a.m.

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

PURSUANT TO SECTION 92-3.7, HAWAII REVISED STATUTES, THE MEETING WILL BE CONDUCTED AS A REMOTE MEETING BY INTERACTIVE CONFERENCE TECHNOLOGY.

OFFICIAL TESTIMONY LOCATIONS

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

If audiovisual connection with the Council Chamber is lost, the Council will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9:00 a.m., using the same official location for in-person testimony and viewing, unless the Council announces a different date, time, and location.

TESTIMONY PROCEDURES

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>.

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Each testifier shall be allowed to speak for up to three minutes on each item. The time limits for testimony 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify. If the connection between any testifier and the video conference is lost, the meeting will still continue.

If a testifier wishes to testify anonymously, please indicate that request in the Bluejeans chat or with staff at the sign-up desk outside the Council Chamber. Anonymous testifiers will be assigned a number.

DECORUM

Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of the Council meeting may, at the discretion of the presiding officer or a majority of present Councilmembers, be removed from the Council Chamber or, if participating remotely, muted or dropped from the meeting. Disruptive behavior includes, but is not limited to: heckling, shouting, use of profanity, and threatening remarks made to any member of the Council, staff, or general public.

WRITTEN TESTIMONY

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 should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted.

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 RESIDENCY AREA 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

Lāna'i: 814 Fraser Avenue, Lāna'i City, (808) 565-7094

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

West Maui: Old Lahaina Center, 845 Waivee Street, Ste. 205, Lahaina, (808) 856-0123

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

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location.

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER TASHA KAMA

C. PLEDGE OF ALLEGIANCE

D. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

E. CEREMONIAL RESOLUTIONS:

NONE.

F. SET THE CONSENT CALENDAR

G. MINUTES:

NONE.

H. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NONE.

I. COUNTY COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

[CC 23-5](#) COUNCIL CHAIR LEE, relating to Bill 205 (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 FOR ASSIGNMENT OF LEASE FROM THE STATE OF HAWAII TO THE COUNTY OF MAUI FOR THE PURPOSE OF ESTABLISHING THE LANAI AGRICULTURAL PARK" that was referred to the Council Chair for the 2023-2025 term at the Council meeting of December 2, 2022.

[CC 23-6](#) COUNCILMEMBER PALTIN, transmitting a proposed amendment to Bill 97, CD1, FD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.08, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS".

2. GENERAL COMMUNICATIONS:

NONE.

J. COMMITTEE REPORTS:

NONE.

K. RESOLUTIONS:

[Reso 23-35](#) "APPROVING THE APPOINTMENT OF A COUNCILMEMBER AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE"

The purpose of this resolution is to approve the appointment of Councilmember Yuki Lei K. Sugimura to the Kula Agricultural Park Committee.

[Reso 23-36](#) "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL RELATED TO FARM DWELLINGS"

The purpose of this resolution is to refer a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.30A.050(B), MAUI COUNTY CODE, ESTABLISHING ACCESSORY USES IN THE AGRICULTURAL DISTRICT" to the Lāna'i, Maui, and Moloka'i Planning Commissions.

[Reso 23-37](#) "AUTHORIZING ACCEPTANCE OF THE DONATION OF \$20,000 TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"

The purpose of this resolution is to authorize the acceptance of a donation of \$20,000 from Dean and Rebecca Leffingwell.

[Reso 23-38](#) "AUTHORIZING ACCEPTANCE OF THE DONATION OF \$18,345.98 AND A TRAILER TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"

The purpose of this resolution is to authorize the acceptance of donations in the amount of \$18,345.98 and a trailer from Lahaina community members.

[Reso 23-39](#) "NOMINATING AND APPROVING THE APPOINTMENT OF TRINETTE FURTADO TO THE COST OF GOVERNMENT COMMISSION"

The purpose of this resolution is to approve the appointment of Trinette Furtado to the Cost of Government Commission.

[Reso 23-40](#) "REMOVAL OF KAULANA MOSSMAN FROM THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI"

The purpose of this resolution is to approve the removal of Kaulana Mossman from the Liquor Control Adjudication Board effective February 2, 2023, due to non-compliance with Section 2.14.090, Maui County Code.

[Reso 23-41](#) "URGING THE ADMINISTRATION TO ISSUE A REQUEST FOR PROPOSALS TO ADMINISTER A HOMEOWNER ASSISTANCE FUND PROGRAM UNDER THE AMERICAN RESCUE PLAN ACT OF 2021"

The purpose of this resolution is to urge the Administration to issue a request for proposals to administer a Homeowner Assistance Fund Program under the American Rescue Plan Act of 2021.

[Reso 23-42](#) "AUTHORIZING AN EXCHANGE OF REAL PROPERTY, WITH THE COUNTY DISPOSING OF APPROXIMATELY 23 ACRES IN PU'UNĒNĒ, MAUI, HAWAI'I AND ACCEPTING APPROXIMATELY 11.5 ACRES IN WAIEHU, MAUI, HAWAI'I"

The purpose of this resolution is to authorize the exchange of real property, under Section 3.44.060, Maui County Code, between the County of Maui and Maui Economic Opportunity, Inc.

[Reso 23-43](#) "URGING THE STATE LEGISLATURE TO SUPPORT AND ADOPT THE PRIORITY FOOD POLICIES RECOMMENDED BY THE TRANSFORMING HAWAI'I'S FOOD SYSTEMS TOGETHER INITIATIVE"

The purpose of this resolution is to urge the State Legislature to support and adopt the priority food policies recommended by the Transforming Hawai'i's Food System Together Initiative.

[Reso 23-44](#) "AUTHORIZING THE ACQUISITION AT PUBLIC AUCTION OF 7.043 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 2-3-037:026 SITUATED AT 4355 LOWER KULA ROAD, KULA, MAUI, HAWAII, FOR PUBLIC PURPOSES"

The purpose of this resolution is to authorize the acquisition of 7.043 acres at 4355 Lower Kula Road, Kula, Maui (Kula Community Center site).

L. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

M. BILLS:

[Bill 7 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, CENTRAL MAUI TRANSIT HUB; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

The purpose of this bill is to amend the Fiscal Year 2023 Budget by 1) increasing Estimated Revenues, Carryover/Saving from the General Fund in the amount of \$500,000; 2) amending Section 4.H.2.a., Wailuku-Kahului Community Plan Area, Government Facilities, by adding General Fund and a project entitled "Central Maui Transit Hub" in the amount of \$500,000; and 3) adjusting the totals accordingly.

[Bill 8 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, CENTRAL MAUI TRANSIT HUB"

The purpose of this bill is to amend the Fiscal Year 2023 Budget, Appendix C, Capital Improvement Projects, Department of Transportation, Wailuku-Kahului Community Plan Area by adding a project description and project entitled "Central Maui Transit Hub" in the amount of \$500,000

[Bill 9 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, PLAN REVIEW, PERMIT PROCESSING, AND INSPECTION REVOLVING FUND"

The purpose of this bill is to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds for Fiscal Year 2023, as it pertains to the Plan Review, Permit Processing, and Inspection Revolving Fund by amending the conditional language to transfer \$43,400 from operations or services to equipment.

[Bill 10 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY (OFFICE FOR VICTIMS OF CRIME (OVC))"

The purpose of this bill is to amend the Fiscal Year 2023 Budget, Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2023, as it pertains to the Department of the Prosecuting Attorney, by adding a new grant entitled "Office for Victims of Crime (OVC)" in the amount of \$5,000.

[Bill 11 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 2829 (2000) GRANTING A CONDITIONAL PERMIT IN ORDER TO DEVELOP AND OPERATE A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT WAILEA, KIHEI, MAUI, HAWAII"

The purpose of this bill is to amend Ordinance No. 2829, granting a Conditional Permit to Wailea Golf LLC to develop and operate a parking lot within the A-2 Apartment District for property situated at Wailea, Maui, Hawaii.

[Bill 12 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SUBSECTION 2.96.060(B), MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTION TIME-PERIODS"

The purpose of this bill is to amend the residential workforce housing deed restrictions to increase the time-period for all restrictions.

[Bill 13 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, RELATING TO NAMES OF PUBLIC FACILITIES DESIGNATED"

The purpose of this bill is to rename Puamana Park to Waiahiokole Burial Preserve.

N. BILLS - SECOND AND FINAL READING:

[Bill 2 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (MOLOKA'I LAND TRUST (KAHANUI WETLAND))"

The purpose of this bill is to amend Appendix A, Part II of the Fiscal Year 2023 Budget by adding an appropriation for the Moloka'i Land Trust to acquire the Kahanui Wetland, South-West Molokai, Hawaii, in the amount of \$210,000.

[Bill 3 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE - KULA AGRICULTURAL FENCING)"

The purpose of this bill is to amend Appendix A, Part I of the Fiscal Year 2023 Budget by deleting "Ag Park" from the grant title and changing it to "Agricultural Fencing".

O. UNFINISHED BUSINESS:

RESOLUTIONS:

[Reso 23-2](#) "ELECTING THE VICE-CHAIR OF THE COUNCIL"

[Reso 23-3](#) "APPOINTING THE PRESIDING OFFICER PRO TEMPORE OF THE COUNCIL"

BILLS - SECOND AND FINAL READING:

[Bill 97, CD1, FD1 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.08, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS"

The purpose of this bill is to clarify Code provisions regarding yards and setbacks, define terms that are subject to misinterpretation, increase housing options and sustainability, and codify practices regarding Residential Zoning Districts.

[Bill 160, CD1, FD1 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK PHASE I EXPANSION AREA"

The purpose of this bill is to implement organic standards and regulations to the Kula Agricultural Park that will allow local farmers increased access to labor and land resources to support production, processing, distribution, and consumption of local food to comply with the Organic Foods Production Act.

[Bill 206 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.40.090, MAUI COUNTY CODE, RELATING TO EXTENSIONS FOR CONDITIONAL PERMITS"

The purpose of this bill is to allow a grace period to temporarily extend a Conditional Permit while an application for the permit's extension is being processed.

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.