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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 24, 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 LOCATION

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 NOHELANI U'U-HODGINS

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 23-7](#) COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Maui Metropolitan Planning Organization Policy Board meeting on March 16, 2023.

[CC 23-8](#) COUNCIL CHAIR LEE, relating to the referral of various matters from the 2021-2023 Council to the Council Chair for the term beginning January 2, 2023.

2. GENERAL COMMUNICATIONS:

NONE.

J. COMMITTEE REPORTS:

Budget, Finance, and Economic Development Committee

[CR 23-14](#) Recommending **FIRST READING** of Bill 9 (2023) to amend the Fiscal Year 2023 Budget, Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds, by amending the conditional language for the Plan Review, Permit Processing, and Inspection Revolving Fund to transfer \$43,400 from operations or services to equipment.

[CR 23-15](#) Recommending **FIRST READING** of Bill 5 (2023) 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, by increasing the grant, entitled "Private Donations," under the Department of Fire and Public Safety, by \$30,000 to reflect cash donations received from a fundraiser held by the Lahaina community for the benefit of the Maui Fire Station in Lahaina.

[CR 23-16](#) Recommending **FIRST READING** of Bill 10 (2023) 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, by adding a new grant under the Department of the Prosecuting Attorney, entitled "Office for Victims of Crime (OVC)," in the amount of \$5,000.

Disaster, Resilience, International Affairs, and Planning Committee

[CR 23-17](#) Recommending **FIRST READING** of Bill 4, CD1 (2023), to allow property owners of buildings located in the Apartment District to convert real property voluntarily and permanently from transient vacation rental use to long-term residential use by filing a declaration with the State of Hawai'i Bureau of Conveyances and providing notice to the County.

Government Relations, Ethics, and Transparency Committee

[CR 23-18](#) Recommending **ADOPTION** of Resolution 23-81, authorizing settlement of Christine M. LaChance v. County of Maui, Civil 17-1-0428(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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

[CR 23-19](#) Recommending **ADOPTION** of Resolution 23-84, authorizing settlement of Ashley Hooks v. County of Maui, et al., Civil 2CCV-21-0000034(2).

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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

K. RESOLUTIONS:

- [Reso 23-98](#) "NOMINATING AND APPROVING THE APPOINTMENT OF KE'EAUMOKU KAPU TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION"
- [Reso 23-109](#) "AUTHORIZING SETTLEMENT OF CLAIM NO. 4077471 OF JOEL ESTRELLA"
- [Reso 23-110](#) "AUTHORIZING SETTLEMENT OF CLAIM NO. 4076201 OF DAVID WILLIAMS"
- [Reso 23-111](#) "AUTHORIZING SETTLEMENT OF CLAIM NO. 4080968 OF MATTHEW SMITH"
- [Reso 23-112](#) "APPROVING THE APPOINTMENT OF COUNCILMEMBER SHANE M. SINENCI AS A MEMBER OF THE COUNCIL ON AGING"
- [Reso 23-113](#) "AUTHORIZING SETTLEMENT OF CLAIM NO. 4076130 OF HANSEN OHANA SECURITY LLC (ROBERT HANSEN)"
- [Reso 23-114](#) "APPROVING THE REAPPOINTMENT OF ZHANTELL LINDO AS A MEMBER OF THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS"
- [Reso 23-115](#) "APPOINTMENT OF MEMBERS TO THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS"
- [Reso 23-116](#) "AMENDING RESOLUTION 22-255 AND AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RELATED TO THE ENERGY PERFORMANCE CONTRACT"

L. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

M. BILLS:

- [Bill 19 \(2023\)](#) "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 WATER SUPPLY"

The purpose of this bill is to amend Appendix A, Part I, of the Fiscal Year 2023 Budget by increasing the appropriation for the grant entitled "State Department of Land and Natural Resources (DLNR) Upcountry Maui Well" by \$50,000.

- [Bill 20 \(2023\)](#) "A BILL FOR AN ORDINANCE REPEALING SECTIONS 3.48.355 AND 3.48.360, MAUI COUNTY CODE, RELATING TO GOLF COURSE ASSESSMENTS"

The purpose of this bill is to ensure equitable taxation of private businesses by repealing County Code provisions that conditionally allow golf courses to be taxed at less than highest and best use.

[Bill 21 \(2023\)](#) "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 2924 (CONDITIONAL ZONING) FOR EMERGENCY AIRSTRIP OPERATIONS AT KAPALUA AIRPORT"

The purpose of this bill is to allow emergency airstrip operations at Kapalua Airport by amending the property's Conditional Zoning under Section 19.510.050, Maui County Code.

N. BILLS - SECOND AND FINAL READING:

NONE.

O. UNFINISHED BUSINESS:

RESOLUTIONS:

[Reso 23-50, CD1](#) "APPOINTMENT OF MEMBERS TO BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI"

The purpose of this resolution is to approve the appointments of Deborah C. Vial and John Joseph Helly to the Board of Variances and Appeals for a term beginning April 1, 2023, and expiring on March 31, 2028.

[Reso 23-56, CD1](#) "APPOINTMENT OF A MEMBER TO FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI"

The purpose of this resolution is to approve the appointment of Luke Makani Bailey to the Fire and Public Safety Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028.

[Reso 23-62, CD1](#) "APPOINTMENT OF MEMBERS TO MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI"

The purpose of this resolution is to approve the appointment of Heather Ann Wells to the Maui Planning Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028, and disapproving the appointment of Sheila Walker.

[Reso 23-67, CD1](#) "APPOINTMENT OF MEMBERS TO SALARY COMMISSION FOR THE COUNTY OF MAUI"

The purpose of this resolution is to approve the appointments of Janelle Lynn Ragusa and William M. Curtis, Jr. to the Salary Commission for a term beginning on April 1, 2023, and expiring on March 31, 2028.

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.

THIS MEETING IS BEING CONDUCTED IN ACCORDANCE WITH SECTION 92-3.7, HAWAII REVISED STATUTES. NOTHING SAID IN THE MEETING OR INCLUDED IN THE AGENDA IS INTENDED TO CREATE OBLIGATIONS IN EXCESS OF THOSE REQUIRED UNDER SECTION 92-3.7, HRS.

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.