

**DISASTER, RESILIENCE, INTERNATIONAL AFFAIRS, AND
PLANNING COMMITTEE**
Council of the County of Maui

MINUTES

July 24, 2024

Online Only via Teams

CONVENE: 1:31 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Tamara Paltin, Chair
Councilmember Nohelani U‘u-Hodgins, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Tasha Kama, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (In 1:49 p.m.)

EXCUSED: VOTING MEMBERS:
Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF: Paige Greco, Legislative Analyst
James Krueger, Senior Legislative Analyst
Eric Arquero, Legislative Analyst
Megan Moniz, Legislative Attorney
Maria Leon, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Shelly Espeleta, Supervising Legislative Analyst

Mavis Oliveira, Council Aide, East Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

ADMIN.: Greg Pfof, Administrative Planning Officer, Department of Planning
Gregg Rowe, Police Sergeant, Department of Police
Christie Trenholme, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Rob Weltman
Keiki-Pua Dancil, Pūlama Lāna‘i

(10+) additional attendees

PRESS: *Akakū:* Maui Community Television, Inc.

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CHAIR PALTIN: . . . *(gavel)* . . . Aloha ‘auinalā. Welcome to today’s Disaster, Resilience, International Affairs, and Planning Committee meeting. My name is Tamara Paltin. The time is now 1:32. And if everyone can please silence their cell phones or other noise-making devices, that would greatly help our cause. I’ll do that as well. Members, in accordance with the Sunshine Law, if you are not in the Planning conference room, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. And I will start us off with I am alone in this closet, there’s a slew of people outside of that door from all the agencies with all the acronyms. I’m sorry. I don’t know all their names, but they’re not...they got earphones so they can’t hear what I’m saying, and hopefully you guys can’t hear what they’re saying. But given that, I would like to welcome Councilmember and Committee Vice-Chair Nohelani U‘u-Hodgins, aloha ‘auinalā.

VICE-CHAIR U‘U-HODGINS: Aloha, Chair. Aloha, everyone. I’m in the Pā‘ia District Office. We have no testifiers, and with me is Susan Clements and Laura McDowell.

CHAIR PALTIN: Awesome. And next up in--that almost looks like Lahaina--we have Councilmember Tom Cook.

COUNCILMEMBER COOK: Good afternoon, Chair. I am in the Kihei District Office [*sic*] with Bill Snipes and Jared Agtunong. There’s currently no testifiers here today.

CHAIR PALTIN: Thank you. Next up we have Councilmember Tasha Kama from her chateau.

COUNCILMEMBER KAMA: . . . *(laughing)* . . . Aloha ‘auinalā, Chair. Good afternoon, Members. I love your background, Tom. So, I am here alone in my workspace. Thank you, Chair.

CHAIR PALTIN: Thank you. And we have Councilmember Keani Rawlins-Fernandez will be excused for this meeting. We have Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha ‘auinalā, Chair. I’m happy to join this meeting from my home office. I’m here by myself, and there’s no testifiers at the Hāna District Office, Chair.

CHAIR PALTIN: Thank you. And I have not yet heard from Councilmember Sugimura, but she might be on her way, sometimes she’s late. And our Non-Voting Members, Committee Members Gabe John...or Non-Voting Committee Members, Councilmember Gabe Johnson and Council Chair Alice Lee are not Voting Members, so they’re not required to be here but they’re more than welcome to join us at any time they so please. This meeting of the Disaster, Resilience, International Affairs, and Planning Committee of the Maui County Council is located on the traditional ‘āina of the Kānaka ‘Oiwi, who never ceded their sovereignty to the United States. We recognize that Her Majesty Queen Lili‘uokalani yielded the Hawaiian Kingdom to the U.S. in duress under threat of violence to avoid the bloodshed of her people. We further recognize that Hawai‘i remains an illegally occupied nation-state by the U.S., as documented in a 2021 scholarly article for the National Lawyers Guild Review by Andrew Reid, Adjunct Professor of Law at the University of Denver, Sturm College of Law. Generations of Kānaka Maoli and their

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knowledge systems have sustainably cared for Hawai'i, and continue to do so. We are grateful to occupy this space and learn the ways in which we can contribute. As a Committee, we seek to support the varied strategies that the indigenous people of Hawai'i are using to protect their land and their communities, and commit to dedicating time and resources to working in solidarity. From the Administration, we've got Greg Pfof, Administrative Planning Officer, Department of Planning. He might have told me his name is pronounced Post. We also have Sergeant Gregg Rowe, Solo Bike Detail, Traffic Section, Police Department. Deputy Corporation Counsel, Christie Trenholme. And Committee Staff, Committee Secretary Maria Leon; Legislative Analyst Paige Greco; Senior Legislative Analyst [sic] Megan Moniz; Legislative Attorney Megan...oh, sorry...Assistant Clerks Lei Dinneen and Jean Pkipala. Members, because we only have one item on the agenda today, I will ask for opening comments and presentations from our Department representatives before receiving testimony.

ITEM 7: RESOLUTION 23-163, RELATING TO PARKING FOR ELECTRIC VEHICLES

CHAIR PALTIN: This item is DRIP-7, Resolution 23-163, Relating to Parking for Electric Vehicles. And the Committee is in receipt of Resolution 23-163 entitled, "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO PARKING FOR ELECTRIC VEHICLES." Resolution 23-163's purpose is to refer to the Lāna'i, Maui, and Molokai Planning Commissions a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 19.36B.020, MAUI COUNTY CODE, RELATING TO PARKING FOR ELECTRIC VEHICLES" for their findings and recommendations. The proposed bill's purpose is to require places of public accommodation with at least 50 parking spaces to have at least two parking spaces designated as electric vehicle charging stations or systems, and to require an additional two parking spaces designated as electric vehicle charging stations for an additional increment of 50 parking spaces--which I believe is double the HRS requirement, and it's following the lead of Hawai'i County. An amendment summary form dated . . . (inaudible) . . . August 8th, 2023 from myself with a proposed CD1 version of Reso 23-163. The revised CD1 version incorporates amendments to Exhibit "1" to: 1) specify that electric vehicle parking spaces must be equipped with a functioning charging station; 2) specify that the charging station requirement does not include places of public accommodation in the Special Management Area; and 3) require one parking space for 500 square feet for children's playgrounds. The Committee may consider whether to recommend adoption of Resolution 23-163 with or without revisions. The Committee may also consider the filing of Reso 23-163 and other related items...other related actions, sorry. So, this is actually, I think, a bill that former Councilmember King had been working with the Sierra Club on to kind of mimic Hawai'i County, who had double the charging stations as required by State law. And as we can tell from the dates, it was something I was working on immediately prior to the fire, and so just getting around to picking that back up right now. I have heard a lot from folks that do have EV cars that, especially now in Lahaina, it's difficult to find a place to charge their cars. And people that used to have homes and no longer have homes have an additional hardship when they used to be able to charge their car into their home and now they don't have a home, it is kind of

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difficult. So, does the Planning Department or Mister...Mr. Pfof of the Planning Department, followed by Sergeant Rowe, have any opening comments on this legislation?

MR. PFOST: Yes. Thank you, Chair. Greg Pfof with the Planning Department. We actually looked at this a little bit, I don't have a presentation per se. On a couple of things that we noted, the Department's generally in support of the bill that's before you, it makes sense and I think it's consistent with our general plan in trying to establish these kind of...these kind of aspects while improving the climate. *(Audio interference)* But there was a couple of things that we noticed, in that State laws...interestingly, what is required of State law right now is it's *(audio interference)* 1...1 space per 100 parking spaces. The State law has this exemption where it actually allows a proper...a property owner to consider all of the . . .*(inaudible)*. . .

COUNCILMEMBER KAMA: Chair, there's some background...there's some background that's conflicting with Mr. Pfof.

CHAIR PALTIN: I'm sorry. I will mute myself because they're discussing opening and closing the zones. And so, it...it might be getting heated out there, I don't know.

COUNCILMEMBER KAMA: Thank you.

MR. PFOST: So, as I was mentioning, and State law currently requires one...one space per 100, one electric space per 100. And the interesting aspect about State law is it actually exempts a property owner in the State that owns multiple properties. So, for example, you might want to take...I'll take Foodland, for example, which you'll find on all the islands. They only need to provide...need to provide their requisite one space per 100, but they can combine all of their properties in the entire State together, in other words, and not provide any on Maui, but provide everything on O'ahu. So, it's an interesting exception within State law that it...it looks at the state as a whole. So, the Department was actually moving forward with an amendment because we did receive some concerns from residents in the community about...about that State law, and that we couldn't enforce State law...we have not been enforcing State law because of that exception. And so, the Department was going to move forward with the requirement that for Maui County, you will need one space per 100 for any property that has 100 space...100 spaces or more. So...so, I just wanted to put that out there that in...in what's before you today, I think the Department's in support of that. However, what it...what's before you is...is for those places that are outside of the Special Management Area. And so, for...I'm not sure if you wanted to tailor the bill so that we can also augment it for all other areas you would need the one space per 100. I don't know if you wanted to move forward with an amendment to the bill on that. But that's what the Department was going to move for. We understood that Chair Paltin was moving forward with this, so the Department was waiting for this to come forward and we were going to make the statement then. So, that's the only thing that I had to say in regards to the proposal is...is whether or not you wanted to strengthen it a bit to require one per 100 elsewhere within the...within the County.

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CHAIR PALTIN: Thank you, Mr. Pfof. We can do a deeper dive with you once public testimony is over. Sergeant Rowe, did you have any opening comments?

MR. ROWE: No, nothing for opening.

CHAIR PALTIN: Thank you so much. Either Ms. Trenholme or Ms. Moniz, I know that they had been emailing about verbiage of electric vehicle charging stations versus systems. Did you have any opening comments as to what's been posted, or anything that you wanted to break down for us prior to receiving public testimony?

MS. TRENHOLME: Thank you, Chair. Hi, this is Deputy Corp. Counsel Christie Trenholme. Yes, I think...just wanted to...I looked at HRS 291-71, which I think this is kind of modeled after, the designation of parking spaces for electric vehicle charging systems, and noticed that the State law uses the word electric vehicle charging system, and the proposed legislation uses station. So, we may want to be...you know, just change that in alignment to State law. Because in that same statute, they define electric vehicle, and they also define electric vehicle charging system. And so, if you...you all are okay with those definitions in State law, we might just want to use...go with that. And then as Mr. Pfof--I'm not sure how you pronounce his last name--but the Planning Department noted, there's that caveat regarding the multiple owners, and there's also in the State law, it states that there are...like none of the parking spaces for EVs shall displace or reduce accessible stalls required by the ADA, and then another part of the State law says no vehicle shall be permitted to park in the EV space without...while not actively charging. So, I don't know if you want to add that to this legislation as well, they need to be actively charging versus if you just want people have EVs to be able to have priority parking.

CHAIR PALTIN: Thank you so much. And we did receive some testimony also from Kirby Shaw of the DCAB about displacing the ADA stalls. So, that's well noted, and maybe we'll have some deeper dive questions after testimony is done. Let's see, I think that's all of the opening comments. Let's see, nobody had any clarifying questions, did they? Seeing none. Okay. We'll now move on to public testimony for DRIP-7. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. We already got four written testimonies, last I checked. Testifiers wanting to provide oral testimony should join the online meeting via the Microsoft Teams link printed on today's agenda or call in to the phone number, which is also on today's agenda. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button near the top right of your screen. For those calling in, please follow the prompts via phone. Staff will add names to the testifier list in the order testifiers sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call the name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are done testifying or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook

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Live, or mauicounty.us/agendas. At this time we will call on testifiers wishing to testify on DRIP-7. Staff, do we have any testifiers? Oh, sorry, just a moment. Member U‘u-Hodgins.

VICE-CHAIR U‘U-HODGINS: Thank you. I just wanted to let you know that Member Sugimura is trying to get in. So, if somebody could let her in.

CHAIR PALTIN: Okay. Shoots, I didn’t see the admit button. If Staff doesn’t...oh, there she is, yay.

VICE-CHAIR U‘U-HODGINS: Thank you.

COUNCILMEMBER SUGIMURA: Thank you, Nohe. Thank you.

CHAIR PALTIN: Okay. And with...joining us today we have Councilmember Sugimura from Jacaranda country. Is there anyone in your location with you?

COUNCILMEMBER SUGIMURA: My husband’s in the next room, but not in my office. So, we’re...we’re all fine.

CHAIR PALTIN: Okay. And I also see Member Kama’s hand up, was that on purpose?

COUNCILMEMBER KAMA: No, Chair. I was trying to hit the people button and ended up hitting the raise-hand button. . . .*(inaudible)*. . . thank you.

CHAIR PALTIN: Okay. I’m...I’m sure Staff can lower your virtual hand for you. Okay. So, we’re at the testimony point. Staff, would you please call the first testifier wanting to testify for today’s agenda item?

MR. KRUEGER: Chair, the first person signed up to testify is Rob Weltman, to be followed by Keiki-Pua Dancil.

CHAIR PALTIN: Thank you so much. Go ahead, Mr. Weltman.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. WELTMAN: Aloha mai kākou. ‘O Lopaka Weltman ko‘u inoa. ‘O ka po‘o wau o ka hui no ke ka‘a uila o Maui a e kāko‘o wau i ka palapala DRIP ‘ehiku i nīnau ‘ia i kēia lā. Chair Paltin, Members of the DRIP Committee. My name is Rob Weltman, and I am representing the Maui Nui EV--that’s Electric Vehicle--Association in context of DRIP-7, Resolution 23-163. The biggest challenge by far facing Maui is climate change, with drastically reduced rainfall, disastrous wildfires, and sea level rise, eroding coastal infrastructure and housing. Reducing greenhouse gas emissions is the only way to still climate change. In Hawai‘i, transportation’s the largest source of those emissions. People want to switch to electric vehicles for many reasons, including to get a handle on climate change, but the main obstacle I hear from Maui residents is the shortage of

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public charging stations. People who live in condo or apartment buildings are generally entirely dependent on public charging stations. The minimum state requirement for these . . . *(inaudible)*. . . charging stations in public parking lots with 100 or more parking stalls is not being enforced, and the vast majority of them have no charging stations. The State law delegates to the counties to define enforcement. The original DRIP-7 is functionally identical to a bill that was adopted by Hawai'i County two years ago. It specifies at least two charging stations per 50 parking stalls on public lots, and it also defines enforcement. Chair Paltin has proposed amendments to the bill compared to the one in Hawai'i County. One calls out the need for charging stations at playgrounds based on square footage rather than parking stalls. I support that amendment. The other eliminates charging station requirements for parking lots within the SMA area. I think that part should be withdrawn because it would exclude almost all the large parking lots in South Maui, most in West Maui, several in Kahului, and all in East Maui. And the charging while shopping or eating out is one of the main ways people on Maui keep their EVs functional, so that would...that would remove that possibility. I know a lot about the State--the State . . . *(inaudible)*. . . State legislature too, so if you want to ask me about that, I can answer about that too. Mahalo.

CHAIR PALTIN: Members, are there any questions for the testifier? Seeing none. I had one question. What about switching out--not in the SMA for--not in the erosion hazard line, and then creating like a setback from that? I think that's part of the new shoreline rules that were...that are going...working its way through Corp. Counsel, is that the new setback is the erosion hazard line, but it doesn't give any setback. And then the testifier from this morning said something about like if people drive...build right up to the erosion hazard line, then there won't be any...any setback or something. I was...just was wondering, since you're not...since you're opposed to not in the SMA, and the SMA sometimes isn't a...a logical...like it's just, you know, everything below the highway regardless of whatever. So, I was wondering your thoughts on that erosion hazard line plus a little setback.

MR. WELTMAN: So, this...this bill was not about building charging stations. So, it doesn't say but you can build charging stations here, you can build charging stations there. It's only about charging stations on parking lots. So, the rules about SMA, or sea level rise, the hazard zone, et cetera, those apply to when you build or...or modify the parking lot. So, they would apply globally, not...not just to the charging stations, but to everything out in the parking lot. In other words, you're not allowed to build a parking lot right on the ocean, and that means that you can't put a charging station on a parking lot on the ocean.

CHAIR PALTIN: *(Audio interference)* Oh, in future, right? I mean...because we got parking lots on the ocean now at the beach park. You're talking about in the future, right?

MR. WELTMAN: Yes.

CHAIR PALTIN: Oh, okay. And...and this would apply to in the future building stuff.

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MR. WELTMAN: It does. The law cannot...cannot be . . . *(inaudible)*. . . retroactively, it's only to...to new ones and...and I know redo and remodeling.

CHAIR PALTIN: Okay. Any further questions? Seeing none. Thank you for your testimony. And next up we have Keiki-Pua Dancil...make that Dr. Keiki-Pua Dancil.

MS. DANCIL: Thank you, Chair Paltin. Aloha Chair Paltin, Vice-Chair U'u-Hodgins, Members of the DRIP Committee. Mahalo for the opportunity to provide our mana'o. Pūlama Lāna'i is very supportive of a sustainable future. You all have been to Lāna'i and have seen the amount of EVs that we have in our light-duty vehicles, the...as well as the amount of charging stations we have around. We have a couple of questions on this bill. There is an existing ordinance that was passed on November in 2022, Section...Maui County Codes 16.16C.C406.10. And this part of the energy code, and it defines parking requirements for EVs, and there's a calculation, and there's definition. There's definitions of electrical vehicle ready, electrical vehicle capable, and it's very specific, and there's all sorts of calculations. And this seems to be not aligned, and I'm wondering if you're choosing to redact what was passed back in 2022 and adopt this new one, or vice versa. The Chapter 16 point...that I am talking about in the energy code, that's for new parking. That was my question as well, is...is this 50 retro for all existing parking lots? And if it is for retro, then is there a timeline for us to make it compliant? That's what the State did, they gave a timeline that you had to comply within...I think it was five years or something, I forget, it was a while ago. But it seems like this is in conflict with...which is already in Code today. And the one that's in Code today is very specific. It even talks about exemptions for affordable housing parking lots, and it even talks about like, you know, if your calculation is this much, you can swap it out for a decent fast charger versus a level 2 charger. So, I would just request that somebody take a look, and maybe provide guidance so there's clarification. Mahalo for the opportunity for allowing us to provide our mana'o.

CHAIR PALTIN: Thank you so much. I know I'm not supposed to technically answer questions, but I'm going to take my prerogative as running the show. I guess basically, the former Councilmember, who I was carrying this ball for, their perspective was that in Chapter 16, maybe it wasn't being enforced, and if you put it in Chapter 19, then ZAED might enforce it somehow. But then, if it's like you say, not in alignment, that doesn't help. So, I guess my clarifying question, given that, is if...if the issue is enforcement of Chapter 16, would your preference be as written in Chapter 16, or as written in this case, which mirrors, I guess, whatever Hawai'i County is doing?

MS. DANCIL: I would have to think a little bit more on that. There's more definition in 16 than there is in 19. 19, it doesn't...I mean you could just have a outlet there and that would be...you know, you could plug into just a regular 120 outlet, and that's just going to be a trickle charge, which will take forever, right, to charge, as opposed to it being a fast charger, which we can charge up in 20 minutes for a level 2, which can give you a full charge and...depending on what size battery you have. So, it's just that's...there's just more...so, Title 19 is much simpler, it's a just...you know, for every 50 it's 2, and it's up to you to decide what. But, you know, from a person that needs to put in permits

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and get cleared, you now have two different standards, and I think you...we don't want that, right?

CHAIR PALTIN: Thank you. Thank you for your testimony. I'm...I'm not an EVER [sic] yet, so I'm not super familiar with the trickle and the rapid stuff. Sounds like I don't know what's going on outside, but they're having a big 'ol party without me. I don't know. I seen Member Cook nodding, I...I guess I should have asked somebody with emergent electric vehicle expertise to be a resource here. Member Cook, you have an electric vehicle. Did you understand the things that she was saying about trickle and like that?

COUNCILMEMBER COOK: Yes, Chair. Thank you. I'm glad you're hearing this, and I'm glad that Dr. Dancil is...is clear...is bringing this up. I have an electric vehicle, we charge it at home. I don't know if I'd have an electric vehicle if I didn't...couldn't charge it at home because it's really inconvenient, and it's difficult. So, this is really necessary. And we can...when we get in to the aspects of it, it's like how do we do incentives, and how we could implement it, especially in places or after the fact. But the...the difference of plugging it in a wall receptacle, it could be literally like 20 hours to charge our car and having the...it's not like a super-fast charger, but the fast charger in the house could do it in six...in eight hours, but since I only have a 100 amp service in that place where we're renting, it takes six hours. So . . .(inaudible). . . of the type of charger makes a big difference. So, if...the higher the capacity of the charger, the more cars you're going to be able to be processed per day is one thing to look at this. So, it would be an incentive for an incentivized people to put in the fast chargers, but then enforcement of people not having their car parked there would be a part of it.

CHAIR PALTIN: Yeah.

COUNCILMEMBER COOK: You...you could wait 30 minutes, but nobody's going to wait six hours.

CHAIR PALTIN: I got a message that...

COUNCILMEMBER COOK: I don't know if that expert is good enough for you, but that gives you a little perspective.

CHAIR PALTIN: I got a message we were going a little too far into discussion.

COUNCILMEMBER COOK: Okay.

CHAIR PALTIN: How about this? If...if Mr. Weltman and Dr. Dancil are amenable, would they be willing to serve us as resources so we could have a deeper conversation with their expertise? Okay. And I...I was including Mr. Weltman in this because I believe he was involved in the early stages of this legislation, and he may have a little bit of a better memory. So, it with no objections...oh, Member Kama, yes.

COUNCILMEMBER KAMA: Chair, I don't have any objections. As a matter of fact, I'm very interested in learning more. And...and I'd like to just ask if our resources could...you

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know, as they break it down for us, break it down, you know. Because it's hard to understand sometimes the technology language, right. So, you know, every time a new technology comes into place--like AI, we have to learn that language--and I'm just barely getting to understand English. So, thank you, Chair.

CHAIR PALTIN: Thank you. Oops. Can you guys still see me? Dr. Dancil, if you wouldn't mind explaining your expertise, I guess, as someone who has permitted electric vehicle charging and studied Chapter 16...and Mr. Weltman as well. Start off with Dr. Dancil, I just...I guess, for the record.

MS. DANCIL: Yeah. So, I wouldn't call myself an expert, I just have read it, and I followed it, and put in applications for it. So, I just want to make sure that that's clear. So, in Title 16, it defines for newly-constructed parking lots, so it's nothing retro. So, I think that's a clarification we need to make with the current DRIP resolution because it doesn't talk about whether it's retro or going forward. So, Title 16 clearly states that its newly-constructed parking lots. And then they also talk about a formula, for example...

CHAIR PALTIN: Oh. Dr. Dancil, you just...you...to me, you've clarified your expertise. We got to finish public testimony before we do the deep dive. Sorry about that. And Mr. Weltman, if you could give a little background as to your involvement and expertise on this.

MR. WELTMAN: Yes. I...I'm the...the founder of Maui Nui EV Association, on the board of the Hawai'i EV Association. I submitted the Energy Code, which was adopted two years ago, and I submitted this...this code for the parking lot...public parking lots.

CHAIR PALTIN: Thank you. Thank you. Okay.

MR. WELTMAN: I'm also an EV owner.

CHAIR PALTIN: When we come up to the discussion, we'll...we'll utilize you as...Staff, is there any further testifiers waiting to testify? I think I saw someone else log on.

MR. KRUEGER: Chair, we currently do not have any other individuals signed up to testify, but we'll do a last call. If there is anybody else who would like to testify on this item, please identify yourself now. You can do so by using the raise-hand function in Teams or if you're in-person by identifying yourself. Here's the countdown for the last call...three, two, one. Chair, no one else has identified themselves as wishing to testify.

CHAIR PALTIN: Thank you, Staff. Members, without objection, I will now close public testimony, and accept the four written testimonies I seen into the record.

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY . . .

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CHAIR PALTIN: Thank you. Thank you. All right. Maybe let's start off again with Corporation Counsel. Are you aware of the discrepancies in Title 16 and this Title 19, or is it new to you?

MS. TRENHOLME: Thank you, Chair. No, I was not aware of the discrepancy. I...I had not worked on this previously, and so I thank Ms. Dancil for bringing this to our attention.

CHAIR PALTIN: Okay. Awesome, awesome. All right. And Mr. Weltman, I...I believe you said you worked on the energy code and so, I guess, do you have opinion on the versus...this one versus the 16, and if they should make it more like Title 16 or Title 19?

MR. WELTMAN: Yes, I do. So, the Energy Code applies only to construction, commercial and residential construction. So, it's like something in the basement of a large apartment building or a workspace. It doesn't apply to public parking lots. The one we're discussing now applies only to public parking lots, it does not apply to something which is inside of a building like, you know, which is not public parking. So, they're entirely separate and there's no reason they should be identical. They need to be tailored to their purpose.

CHAIR PALTIN: Oh, okay. Does that make (*audio interference*) sense to your reading of it, Dr. Dancil, that...that...that part in Chapter 16 doesn't apply to public parking lots?

MS. DANCIL: Well, it's...I'm re-reading it now. So, it talks about, you know--sorry, Mr. Weltman, I...hopefully I apologize if I didn't catch your name correctly--so, it does say for commercial...newly constructed commercial buildings, and residential, and multi-unit buildings. It doesn't talk about, you know, just the generic building, just the generic parking lot. But as you know, every...any time you propose a new building or a new, for example, affordable housing, there's parking requirements. On Title 19, it says for this many square foot of this type of use. you have to provide this many spaces. And so, I think maybe that's what Mr. Weltman was saying, is that Title 16 kind of does that, as opposed to like I'm building a parking lot just to build a parking lot. And I don't know how many people are building parking lots just to build a parking lot. Usually it's...they build a parking lot in service of a use of a building of sorts. But I...I...at least in our experience, that's when we built parking lots.

CHAIR PALTIN: (*Audio interference*) Thank you. I see Deputy Corp. Counsel Trenholme. Do you have any clarifications for us?

MS. TRENHOLME: Yeah. Just one clarification. On the State law that I referenced previously, HRS 291-71, and in the proposed bill today, it defines it as places of public accommodation. So, public accommodation is not just public parking lots that are just parking lots, but that's like any kind of business that's open to the public. And that's how public accommodations are typically viewed. So, you know, hotels, restaurants, stores--those are all examples of public accommodations.

MS. DANCIL: So, if it is...that is the definition of public accommodation, then it would...Title 16 because you build...like if you build a new restaurant, that's a public accommodation

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parking lot, and the parking spaces need to apply to Title 16. So...and it's a commercial building.

MR. WELTMAN: Only if the parking lot is in public use. If the Government parking for their employees, for example, then it's not subject to that because the...the public parking lot ordinance only applies to public accommodations. And that's the difference. So in other words, if you're building an apartment building or a condo building, you don't want to invite the general public to come park there--at least most people don't. But if you're building a restaurant or a...a shopping mall, you definitely do want people to come and park there. And...and you want to make...make EV charging available so more people will come, and so they can charge while they're shopping and so stay longer. So, they're two very different things.

MS. DANCIL: Yeah. So, if you look at C406.10.1, number 2, it's for newly-constructed parking stalls for newly-constructed commercial buildings that add ten or more new parking stalls. So, it does talk about what Mr. Weltman says...I can build a restaurant and allow people that, you know, can park their EVs and charge. So, it does have that in there.

MR. WELTMAN: It's not directed towards public parking, that...that's intended for employees. In other words, a restaurant could very well have parking stalls for the employees because they need to park, but then they also want to attract people who will come as customers. That's why they're distinguished. This is very well-thought out. It's been processed in other places, many places.

CHAIR PALTIN: Is that your understanding as well, Deputy Trenholme?

MS. TRENHOLME: You know, I would need to take a little time to read through the Energy Code. I am not familiar with it. So, I would have to get back to you on that. But I...I understand what Mr. Weltman is saying, that the Energy Code is...understanding it applies to residential and commercial private parking stalls versus what we're looking at, today's places of public accommodation. But I...I need to take a closer look. . . .(laughing) . . .

CHAIR PALTIN: Thank you. Dr. Dancil?

MS. DANCIL: If that's the case, then maybe we should make a clarification that it's public versus private in the code. Because it's not clear right now, and that's--that was the only reason why we were testifying. For example, we're building a bowling alley, and we're subject to...you know, it's a commercial building, it's for public. So, I just want to make clear on that.

CHAIR PALTIN: And to clarify, the clarification that you are asking for is in both Title 19 and Title 16, or one or the other?

MS. DANCIL: If this goes forward, which one do I follow? Because, you know, I mean we're not building parking stalls for our employees, we're building parking stalls for the public to park and be a patron at the bowling alley.

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CHAIR PALTIN: Thank you. I see Committee Vice-Chair U'u-Hodgins has her hand up.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I would like some clarification. Where do we have private parking stalls and private parking lots? I don't know who can answer, but I do know that when we do do a building, and then you have to get your LPAP, you don't really designate employee parking. Let's say for a restaurant, as we were describing earlier, you just take the square footage of your seating and dining area for one parking stall...for 100 square feet for your seating and/or your seating and dining area, and then your kitchen, no matter how large your kitchen is, is a minimum of three stalls. And you kind of calculate out for your bathroom, you calculate out for your storage room, and so you don't necessarily park...provide parking for those spaces, but you don't...you don't necessarily just say these are for employee parking only and then the rest are for guests. That's not really how that works. So, technically, when I build a restaurant--if I was, which I don't--but hypothetically, three stalls would be provided for employees. And those are just for kitchen, and the rest are for guests. And the employees share the stalls with the guests, or however else you would like to make that work. So, I just would like to know where we have private parking lots that we can use in reference to this Chapter 16. And then...because that would be Public Works would be reviewing those, I guess, planning permits. And then Chapter 19 would come out of Planning, and would that be a LPAP. So, if we could just figure out where we have private parking lots so I can understand what we're talking about. And then do we have Planning on, and maybe we can talk about the LPAP and how that would work.

CHAIR PALTIN: Sure, Mr. Pfof is on. I see that Mr. Weltman raised his hand, so we'll take Mr. Weltman and then Mr. Pfof.

MR. WELTMAN: We have a number of hotels on Maui that have EV charging stations, but they're private, there's...I can't drive in, right. They...the owner of the hotel has decided that they only want their guest to use it, so that's not public. If they had opened it up...if they had to open the gates and said anyone can come in and it would be public, that's kind of the distinction between public and private. There are a lot of...also a lot of companies that have only parking for their employees, and...and I...I think that the end purpose of the Energy Code Section 16...Title 16 was exact. It said to allow people to charge while they're at work. Because that's really the best way by far because the sun's up, you know, we have a lot of surplus electricity, people could charge slowly during the day while they're at work, would solve so many problems. That's where this...but it also addresses residential, whereas this one that we're talking about today is about people who don't have access to that mostly. They need to be charging when they're out shopping, or going to restaurants, or waiting for...or the doctor or something like that, public parking lots. So, that's the distinction.

VICE-CHAIR U'U-HODGINS: Okay. So, this one for Chapter 19 is for County parking lots? Because technically, I understand your point about the private parking lots and not allowing nonguests to go and charge--just like how we can't necessarily swim at their pool all the time--but they still have to follow Chapter 19 when building or renovating their space. There's a code on how much rooms they have to how much parking lots

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they need to...or how much parking stalls, rather, they need to provide in Chapter 19. That's...I don't know if they're really subject to the Chapter 16 right now, but okay.

MR. WELTMAN: Chapter 16 only...only upholds (*phonetic*)...the changes that we made to the Energy Code only apply if you are building new or if you're renovating.

VICE-CHAIR U'U-HODGINS: Uh-huh.

MR. WELTMAN: Renovating most --

VICE-CHAIR U'U-HODGINS: Sure.

MR. WELTMAN: -- mostly 50 percent. The County is subject to the public...as a matter of fact, is subject to both. If the County has...has buildings with...with private parking only accessible to employees, then...then they're subject to Title 16. But to the extent that they have public parking lots--and they do have quite a few--it's...it's also subject to the Title 19 public parking lots. They're...they're really separate...separate rules, but the County is...is subject, the same way as anyone else is.

VICE-CHAIR U'U-HODGINS: Sure. Yeah. As we should be.

MR. WELTMAN: I was talking to . . . (*inaudible*). . . about this with the previous Energy Commission Alex deRoode back in 2022, the fall of 2022, and he said that the County was doing a...an inventory of all the parking lots that it owns to determine which ones that needed to add charging stations to, and he expected to start addressing that in 2023. But then we had a changing of the guards, and I don't think anything has happened with that plan so far.

VICE-CHAIR U'U-HODGINS: Okay. Thank you. Chair, did you want Planning to answer my question?

CHAIR PALTIN: Hi. Am I still here? Can you guys hear me?

VICE-CHAIR U'U-HODGINS: We can hear you.

CHAIR PALTIN: Oh, okay. I'm sorry, I think the network isn't that great. I don't know what's going on outside, usually we open up back to the public at 1:30, but all the acronyms are still here.

UNIDENTIFIED SPEAKER: . . . (*laughing*). . .

CHAIR PALTIN: I'm sorry about that. But Mr. Pfof, did you have anything to add on the Planning end of things, and if you were aware of Title 16 and our interaction as to like, you know, what is considered a public lot, and what is not considered a public lot, if they need three employee stalls, but they're intermixed with public parking, if there's an interpretation that you have?

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MR. PFOST: Yes. Thank you, Chair. I...I'm not familiar with the section in Title 16, I'm kind of reviewing it right now as we're speaking. And it's interesting. Although I haven't gone through it in any detail, I don't see anything that describes private parking right now in Title 16, but there may be something. Councilmember U'u-Hodgins is correct in...in how we deal with it from Title 19, no matter if your property is a multi-family structure, or perhaps maybe an office building that only maintains parking spaces for the employees and doesn't have publicly available parking spaces, we still treat that under Title 19's requirement on number of parking spaces as...as she was speaking to. So, we would review that in Title 19 with a LP&P...LPAP to make sure that you have the proper number of parking spaces per Title 19. The interesting aspect that I've just real quickly, in noticing in...in Title 16, is the number of required electric spaces that are required are...are on more...are actually require more electrical spaces than what we would be proposing here in Title 19. And that's an interesting conflict. And so I apologize, I'm not familiar with Title 16, but I think that should be rectified in some manner to either combine these two or reference them between each other so we understand what we're talking about. I see some...some conflicts here that would...would...I think there's some additional language that we need to either propose in Title 19 or Title 16 to rectify those...those...those changes, those differences. So, that would be my recommendation, to maybe spend a little bit more time trying to (*audio interference*) tweak that and figure out what that is.

CHAIR PALTIN: Thank you, Mr. Pfof. Okay. Thank you to your resources. At this time, just talking to the Members on discussion, I am going to take Mr. Pfof's advice and try to take it back to the drawing board, and maybe the next resolution will be inclusive of Title 16 with reference to each other. It sounded as though Dr. Dancil said that both Title 16, Title 19, should specify public versus private, and I think that maybe they should try to work off of each other. I did, as a non-EV owner, appreciate the rapid charge versus the trickle charge, and I think if there is going to be a public charging station that it shouldn't be the trickle one, it should be the rapid one...and so, maybe we'd also like to specify that in the resolution as well. And I'm sorry, I know that this has been a long time coming for this one because the fire, but if we're going to send it over to the Planning Commission, they've got their hands so full that I would like it to be in best condition as possible so that they're not dealing with this confusion that we kind of are. Maybe we can reopen the PAF for this, and consult with Dr. Dancil and Mr. Weltman as to how we align the two...as well as Mr. Pfof. So, that would kind of be my recommendation, My working space right at this moment isn't super conducive to a lot of discussion because, you know, there was a water main break on Front Street, and then the smokestack, and all the things...so, there's...there's stuff going on in Lahaina. So, I'm...I'm sorry about that. And we're coming up on the memorial, and so there's a lot of balls in the air about logistics that the acronym folks need to vet and discuss. So, so sorry to everyone, I...I really appreciate Dr. Dancil bringing this to our attention. And if Mr. Weltman, Dr. Dancil, and Mr. Pfof don't mind our Staff and offices consulting with you folks when we bring this back again, hopefully it will be more streamlined in a tight package that will be better than what was. How...should I poll the Members? How do you feel about that?

COUNCILMEMBER KAMA: I agree.

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COUNCILMEMBER SUGIMURA: I agree.

CHAIR PALTIN: Okay.

VICE-CHAIR U'U-HODGINS: I agree. Thank you for being...for considering all of their questions. Thank you.

CHAIR PALTIN: So, for...I think the appropriate action to take in this case would be to defer this item, we'll try to rework the resolution. I'm not sure if we can work in a Title 16 if that hasn't been introduced to the full Council yet. Maybe we'll...we'll do the work first and then introduce a Title 16. But Title 16 doesn't really need to go through the Planning Commission, and so in that case, we can work on like minor tweaks to the Title 16 to make it more clear. And then as Title 19 goes through the Planning Commission, we could introduce a Title 16 at the Council and take them up together when it comes back from the Planning Commission or something like that. We'll just discuss logistics with Staff. But in that case, if there's no objections, we'll go back to the workbench and defer this item for today.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: KRF).

ACTION: DEFER pending further discussion.

CHAIR PALTIN: Okay. Thank you so much, folks. I guess this is how we dial it in and dive down deep. Thank you. Oh.

COUNCILMEMBER KAMA: Meeting adjourned?

CHAIR PALTIN: This concludes today's Disaster, Resilience, International Affairs, and Planning Committee meeting. Thank you very much, everyone. The time is now 2:25. And if anyone wants to come out to West Maui, we do have the 5:30 Wednesday night community meeting at Lahaina Civic. We're going to get the results of the neighborhood committee workshops, and if outside is any indicator, so much more.

COUNCILMEMBER KAMA: Thank you, Chair. Good job.

COUNCILMEMBER COOK: Thank you, Chair.

CHAIR PALTIN: Thank you. Have a good day. Aloha. . . .(gavel). . .

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ADJOURN: 2:25 p.m.

APPROVED:



TAMARA PALTIN, Chair
Disaster, Resilience, International Affairs,
and Planning Committee

drip:min:240724:mll/cvk

Transcribed by: Cheryl von Kugler

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CERTIFICATION

I, Cheryl von Kugler, hereby certify that pages 1 through 17 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 12th day of August 2024, in Wailuku, Hawai'i



Cheryl von Kugler