

WATER AND INFRASTRUCTURE COMMITTEE
Council of the County of Maui

MINUTES

October 21, 2025

Online Only via Teams

CONVENE: 1:35 p.m.

PRESENT: Councilmember Tom Cook, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair
Councilmember Gabe Johnson, Member (In 1:44 p.m.)
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (In 1:53 p.m.; Out 2:37 p.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Nohelani U‘u-Hodgins, Member

EXCUSED: Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member

STAFF: Keone Hurdle, Legislative Analyst
Jarret Pascual, Legislative Analyst
Carla Nakata, Legislative Attorney
Maria Leon, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office:

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Buddy Almeida, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office
Keomailani Hirata, Council Aide, Moloka‘i Residency Area Office
Chaelin Ryu, Council Aide, South Maui Residency Area Office

ADMIN.: Jordan Molina, Director, Department of Public Works (All)
John Smith, Administrator, Office of Recovery (All)
Mimi DesJardins, First Deputy Corporation Counsel, Department of the
Corporation Counsel (All)

OTHERS: Leil Koch (All)
Warren Freeland (All)
Theo Morrison (All)
Jonathan Helton (WAI-27)
McKinley Eads (All)
Ryan Churchill (All)
Testifier 1 – The Royal House of Hawai‘i (All)
Jeff Ueoka (All)
Christine Camp (WAI-27)

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

Jay Miyaki (All)
James Lawrence (WAI-17)
Kai Nishiki (WAI-17)

(10+) additional attendees

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

CHAIR COOK: ...*(gavel)*... Will the Water and Infrastructure Committee of October 21st, 2025, please come to order. The time is now 1:35. May I ask that all participants please silence their noisemaking equipment. I'm your Chair, Tom Cook. Members, per the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workplace with you today, excluding of minors. I'd like to also ask the department representatives who have joined online to please also turn on your cameras when it's your turn to speak. Now, I'd like to introduce the Committee Members. Committee Vice-Chair Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Good afternoon, Chair.

CHAIR COOK: Councilmember Gabe Johnson is on his way. Councilmember Tasha Kama is excused. Council Chair Alice Lee is also excused. Good afternoon, Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinalā kākou.

CHAIR COOK: And Councilmember Keani Rawlins-Fernandez is currently excused. Councilmember Shane Sinenci, good afternoon.

COUNCILMEMBER SINENCI: Aloha. Good afternoon, Chair. Here at my home office this afternoon, and there's no testifiers in Hāna, Chair.

CHAIR COOK: And good afternoon, Councilmember Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Good afternoon, Chair. I'm in my personal vehicle right now, soon to have three minors in the car within the next 45-ish minutes. But I am here, and I probably will turn off my camera when I start driving more. Do we have quorum though?

CHAIR COOK: Yes, we have quorum with you.

COUNCILMEMBER U'U-HODGINS: If I turn my camera off, will we still have quorum, or do I need to...do I need to drive and multitask?

CHAIR COOK: We will have quorum after Member Johnson comes. Currently, you're the fifth Member.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER U‘U-HODGINS: Okay. Okay. I’ll hang...I’ll hang tight. I’ll make sure we have enough people before I turn off my camera. But I can...I can do both for a little while.

CHAIR COOK: Okay. Thank...

COUNCILMEMBER U‘U-HODGINS: Thank you.

CHAIR COOK: Thank you. From the Department of Public Works, Director Jordan Molina. Director, are you online? *(pause)* Ah. He’s in the parking lot, expect him soon. From Office of Recovery, welcome, John Smith, Administrator.

MR. SMITH: Aloha, Chair.

CHAIR COOK: From Corporation Counsel, First Deputy Corporation Counsel Mimi DesJardins. And our...from our OCS Committee Staff, Keone Hurdle--and we would all like to wish you a happy birthday today--Jarret Pascual, Maria Leon, Carla Nakata, and Jean Pokipala. I want to thank our Staff for all the work you do. Please see the last page of the agenda for information on meeting connectivity. Good afternoon, everyone. We have two items on today’s agenda. WAI-27, relating to the improvement of public streets, and WAI-17, relating to encroachments on public rights-of-way. Members, if there are no objections, I’d like to take testimony after receiving opening comments on WAI-27 and WAI-17.

COUNCILMEMBERS: No objections.

CHAIR COOK: Thank you. Thank you, Members.

ITEM 27: BILL 110 (2024), AMENDING SECTION 16.25.201, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS TO PUBLIC STREETS

CHAIR COOK: Let’s begin with our first item. Members, Bill 110 addresses how the County street improvement requirements apply when existing properties are rebuilt or repaired after a major disaster. After the 20...after the August 2023 Maui wildfires, many property owners in Lahaina face the prospect of having to install new curbs, gutters, sidewalks, or pavement as part of their rebuilding efforts. Members, we last discussed Bill 110 last term, in August 2024, and deferred the bill. Since then, I proposed a CD1 version that limits the exemption to structures on Front Street between Shaw Street and Baker Street within Maui County Historic Districts number 1 and 2 that were destroyed or damaged by a declared emergency or disaster. You can find the proposed CD1 version attached to my amendment summary form on Granicus number 19. This approach balances flexibility for recovery with the County’s long-term infrastructure responsibilities, while helping to facilitate economic recovery. At this time, Director Molina or Administrator Smith, would you like to provide any opening comments? John?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

MR. SMITH: Chair, thank you for having us today. We really appreciate you bringing this bill forward, and working with us in terms of its content now. We support the measure, and it's in line with our long-term recovery work in Lahaina. So, thank you very much.

CHAIR COOK: Thank you. And is Director Molina on, Staff? Director Molina, do you have any opening comments?

MR. HURDLE: The Director is on Teams. I'm not sure if he's...can turn on his camera or not.

CHAIR COOK: Okay. Well, we'll move on. Thank you. Before we begin discussion, let's see if anyone would like to provide testimony for WAI-27. Staff, are they have any testifiers?

MR. PASCUAL: Yes, Chair, we have three individuals signed up to testify.

CHAIR COOK: Okay. Anyone wishing to testify, please sign up in the lobby, join the online meeting, or call on the phone number noted on today's agenda. For online testifiers, please click the raise-your-hand button. For those calling in, please follow the prompts via star-5 to raise and lower your hand, and star-6 to mute or unmute. Please ensure your name on Microsoft Teams appears as the name you prefer to be referred to, or as anonymous if you wish to testify anonymously. If you are in person, please notify the Staff you would like to testify anonymously. Otherwise, please state your name for the record at the beginning of your testimony. Written testimony will continue to be accepted, and can be submitted via eComment at mauicounty.us/agendas. Staff will enable your microphone and video when it is your turn to testify. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. You can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Decorum will be maintained throughout this meeting. Breaching decorum includes anything that disrupts the orderly management of the meeting. Violation of decorum may result in being removed from the meeting. At this time, I would like to open public testimony. Staff, please call the first testifier.

MR. PASCUAL: Thank you, Chair. The first individual signed up to testify is Leil Koch, to be...to be followed by Warren Freeland.

. . . OPEN PUBLIC TESTIMONY FOR WAI-27 . . .

MR. KOCH: Aloha Chair, Vice-Chair, and Members of the Committee. My name is Leil Koch, and I am testifying in support of Bill 110, and also Bill 156. I am co-managing partner of Local Maui LLC, which is owner of 744 Front Street, where Fleetwoods on Front Street, Na Hoku, and other tenants once were. Throughout our remodel process, we continue to navigate uncertainty. These uncertainties have been a huge factor that continue to cause delays, which increase costs and loss opportunities for supplies and contractors, further pushing back completion dates, thus delaying future jobs. We need to rebuild and recreate Lahaina's historic economic engine. Front Street worked well,

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

as it supported jobs, progress, stability, and confidence within our community, an economic engine supporting Lahaina Town and all of Hawai'i. We respectfully ask that you support Bill 110 as written. Allowing the process to remain as it was will help ensure that the rebuild can move forward efficiently, and continue to draw in individuals for years to come. It's really important that we continue to move that process forward. And also, very quickly, I'm also testifying in support of Bill 156. This bill is an important step towards rebuilding Lahaina in a way that honors its historic charm and character. By supporting Bill 156, we can ensure that Lahaina is rebuilt respectfully of its history, community, and identity. And mahalo for your time and consideration. If you have any questions, specifically on the first one, I'd be more than happy to address any of those.

CHAIR COOK: Okay. Members, any clarifying questions? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Mr. Koch. Thank you for your testimony. I just wanted to clarify that part in your testimony for Bill 110, when you said rebuild as it was...if you could clarify?

MR. KOCH: It's...it's important to rebuild back Lahaina as it...as it was. I think what all of the building owners are asking for is to...is to not expand on what...different than what...than what they had before. So, I'm speaking for 744. Our building is still standing. So, we are treating that as a remodel. So, we are putting back our facade, putting back everything else. As...as we come back, our neighbors are going to build back what was there before...not going up, going down, but rebuilding and...and having a similar look and feel of...of what was there.

COUNCILMEMBER PALTIN: So, without this bill, you couldn't rebuild it as it was?

MR. KOCH: Depending on...of forcing them to work with different street widths, and everything else...and having to deal with that puts an undue stress on each landowner to be able to have to deal with that. Keeping it as it is allows for a smoother construction period of time to...to move forward with that process.

COUNCILMEMBER PALTIN: Thank you.

MR. KOCH: Thank you.

CHAIR COOK: Member Sugimura, clarifying questions.

VICE-CHAIR SUGIMURA: So important to hear your perspective because as you know, the County has, rightfully so, been focusing on residence (*phonetic*) and rebuild of the residence. But to me, the commercial properties, which you represent a big part of, have been forgotten until recently. So, we want to keep on hearing from you, or I do, as to what your needs are. So, you're saying that to...to pass this bill, especially Bill 110, will be instrumental in you being able to do what? Because it's such a huge process.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

MR. KOCH: Everything that we can do to help bring back the economic engine of Lahaina will help support all the things that you have all done for the last two years to get the residential community back up and going.

VICE-CHAIR SUGIMURA: Wow.

MR. KOCH: Every...everything. And...and so, this is not done in piecemeal. So, everybody that has a home needs to have a job to help support that process. People need jobs. People need other thing else. Hawai'i lost 25 percent of his economic engine when Lahaina went down. By focusing on residential, which was extremely important process after the fire, was a good thing. Should we have been focusing on everything at once? Probably, but we can't go back two years. Now we need to get the commercial business back to help those that have their homes back to be able to have their jobs back. But we need to be able to piece back 25 percent of our...our...and now we're in total of Hawai'i, our income back into the State, as well as Lahaina. Maintaining all those people that have homes so that they can keep their homes, keep their jobs, raise their families, and everything else, that's the most important part of rebuilding a town, rebuilding a future, trying to rebuild a history of what made Lahaina so special.

VICE-CHAIR SUGIMURA: I hear you. Okay. Thank you.

CHAIR COOK: Thank you. Hold for a minute. Welcome, Member Johnson. Do you have any clarifying questions for the testifier?

COUNCILMEMBER JOHNSON: No, I don't, Chair. Thanks for recognizing me. I'm alone in my workspace, and I'm here and ready to work. Thank you, Chair.

CHAIR COOK: Okay. Thanks. Thank you very much for your testimony, sir.

MR. KOCH: Thank you.

CHAIR COOK: Staff?

MR. PASCUAL: Thank you, Chair. And apologies, to clarify, we're only taking testimony on Bill 110 at this time. Yeah. So, the next individual signed up is Warren Freeland, to be followed by Theo Morrison. *(pause)*

MR. FREELAND: Aloha Chair, Vice-Chair, and Members of the Committee. My name is Warren Freeland. I am here today representing my family, who are the fee simple owners of the Pioneer Inn property. I'm also with Front Street Recovery. My great-grandfather opened the Pioneer Inn for business in 1901, and the property has remained in my family ever since. We have been involved in the community for generations. Pre-fire Lahaina was a unique, special community that we loved very much. We hope that the community can be restored as much as possible. I am submitting testimony in support of Bill 110 and Bill 156, but I'll hold off on that. Regarding Bill 110, as with any business, uncertainty can be one of the biggest hurdles in the planning process. For many Front Street property owners, the issues addressed

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

by Bill 110 were a complete roadblock. Passing Bill 110 will clarify this important element to the planning and rebuild process of the historic Front Street business corridor. Thank you for your time, consideration, and support for Lahaina.

CHAIR COOK: Thank you, sir. Members, any clarifying questions for the testifier? Member Johnson? Thank you for your testimony, sir

MR. FREELAND: Thank you.

CHAIR COOK: Staff?

MR. PASCUAL: Thank you, Chair. The next testifier is Theo Morrison, to be followed by Jonathan Helton on Teams.

MS. MORRISON: Aloha Chair, Vice-Chair, and Members of the Committee. My name is Theo Morrison. I'm the Executive Director of Lahaina Restoration Foundation. We're a 63-year-old nonprofit, and we are a property owner on Front Street. So, I'm here today to support...very enthusiastically support Bill 110...Bill 110, and I'll come back for the other one. Yeah, just...just to point out, and if you're familiar with that beautiful cut stone wall in front of the Baldwin Home, if Bill 110 did not go through, we would probably lose that wall. And that would be a huge historic fight, and I doubt you'd win it, but I'm just pointing that out. That's one of the casualties of trying to widen the road. So, I've been...I've lived and worked in Lahaina for 35 years. Most of the jobs I had were right there on Front Street, and so I've...over that course of that time, I've walked Front Street. I always walk to the bank. I walk to the post office. That's what you do in Lahaina. I'm very, very familiar with Front Street and how it works, and that's the key element. That street works. It totally works. There's not a single stop sign between Puamana and what was the Chart House, and it's amazing how well that street works. What was I going to say? I...I also was involved with the Front Street Improvement Project in 1997, and I also wrote the nomination for the 2011 Great Streets Award put out by the American Planning Association. Front Street was one of the winners that year, and it was the first street in Hawai'i to ever win the Great Streets Award...and that's what that street is. It is a great street that works. So, we're very thrilled to support not widening Front Street. Thank you.

CHAIR COOK: Member Sugimura, clarifying question.

VICE-CHAIR SUGIMURA: Thank you. I just want to say thank you. Probably the reason why Lahaina is so great is that people like you --

MS. MORRISON: . . .*(inaudible)*. . .

VICE-CHAIR SUGIMURA: -- that love the town and live it, you know. So, thank you for everything you've done.

MS. MORRISON: You're welcome.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: I want to...wait. I want to welcome Councilmember Rawlins-Fernandez. Good afternoon.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair. Aloha ‘auinalā . . .*(inaudible)*. . .

CHAIR COOK: Do you have any clarifying questions, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: I don’t. Mahalo for your testimony. And I’m...Chair, I’m at home in my private residence alone.

CHAIR COOK: Okay. Member Johnson, any clarifying questions? Okay.

COUNCILMEMBER JOHNSON: No, I don’t.

CHAIR COOK: Okay. And anybody else? Clarifying questions? Okay. Thank you very much for your testimony.

MS. MORRISON: You’re welcome.

MR. PASCUAL: Chair, the next individual signed up to testify is Jonathan Helton on Teams, to be followed by McKinley Eads.

MR. HELTON: Good afternoon, Committee. I’m Jonathan Helton. I am a researcher with the Grassroot Institute of Hawai’i. For full disclosure, I am a registered lobbyist. The Grassroot Institute of Hawai’i supports Bill 110. And I think there’s a couple of reasons for that, but I think the biggest reason relates to certainty. So, up until the Office of Recovery issued the street rebuilding memo in late September, folks who were trying to get in their permits for commercial, or multifamily, or anything that is essentially larger than a single-family home, were being told by the Department of Public Works that they would have to make room for a 60-foot wide street. And obviously, that...or a 60-foot wide right-of-way. Obviously that’s going to be a problem for anyone who’s looking to rebuild back on the same footprint that they had in Lahaina. So, what passing Bill 110 would do, it would give certainty to anybody who is looking to put in a commercial permit, or a multifamily permit, or anyone who is currently in that process but is hung up. So, Grassroot would support the CD1. We think the current draft of the bill is better since it applies to any property that was destroyed in the fires. We think that sort of gives...that puts everybody who lost something on an equal playing field, and it is fair to everyone who is affected. And I’ll just say this, that I know the Office of Recovery mentioned in their September memo that they plan on releasing additional guidance in the future for some of these streets that that memo did not cover. That would certainly be great. It would provide certainty. But in addition to providing certainty, advancing Bill 110 out of Committee now would also provide some speed so that folks who were asking the question, hey, should I rebuild? Should I sell the land? What am I going to do? They will be able to know that there is a standard going forward, that they will not be required to make street and other sort of improvements when they submit their

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

permit and start the rebuilding process. So, I'd be happy to answer any questions that I can. Urge your full support. Thank you.

CHAIR COOK: Thank you. Members, any clarifying questions for our testifier? Seeing none. Thank you very much for your testimony. Staff?

MR. PASCUAL: Chair, the next testifier is McKinley Eads, to be followed by Ryan Churchill. And McKinley is unmuted on our end. Oh, I see her online now.

MS. EADS: Hello. My name is McKinley Eads and I'm the project manager for Friedman Investment Group Mariners, the owners of 838 Front Street, which was completely destroyed by the fires. I'm testifying in strong support of Bill 110. The devastation in Lahaina has left property owners facing unprecedented challenges. Requiring owners to undertake improvements such as pavement widening, sidewalk construction, curbs, drainage, signage, or utility relocation as a condition of simply rebuilding is not only grossly unfair and unjust, but entirely impractical. These requirements create unnecessary and costly barriers at a time when many of us are already overwhelmed by the logistical, financial, and emotional toll of rebuilding. It is also important to consider that Maui County has received \$1.6 billion in Federal Community Development Block Grant disaster recovery funds, the largest award to a single municipality to date, including \$400 million specifically designated for infrastructure and public facilities. These public funds were allocated to support the community recovery, not to shift the burden onto individual property owners who are struggling to restore what they lost. Bill 110 wisely recognizes the inefficiencies of piecemeal public infrastructure improvements, and provides much-needed clarity and certainty. By exempting these disaster-impacted properties from street improvement requirements, this bill creates a fair and practical path forward for rebuilding. I respectfully urge you to pass this bill to ensure a fair, workable path towards our community recovery. Thank you.

CHAIR COOK: Thank you. Members, any clarifying questions for our testifier? Seeing none. Thank you very much.

MR. PASCUAL: Chair, the next individual signed up to testify is Ryan Churchill, to be followed by The Royal House of Hawai'i.

MR. CHURCHILL: Thank you. Aloha Chair, Vice-Chair, Members of the Committee. My name is Ryan Churchill with Pacific Rim Land. We are co-owners of the property at 612 Front Street. We support Bill 110, which provides exemptions to Maui County Code 16.25.201 for properties being built...rebuilt along Front Street. I would like to reiterate what Theo said. Front Street works. In 2011, Front Street was awarded as a Great Streets of America by the American Planning Association. Front Street worked for many, many decades. It does not need to be widened to be a major road, as it will lose its charm and historic...and historical character. If there are any desired upgrades to Front Street, it should be administered by the County and Office of Recovery, not dozens of individual property owners making piecemeal improvements at different points in time along their frontage. What a mess that would be. In addition, this bill is consistent with recent

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

Office of Recovery directive number 2, dated September 28, 2025, which states no additional right-of-way dedication is required, ensuring preservation of the historical streetscape while supporting economic recovery. This bill will help codify what is now in practice and provide owners certainty. Mahalo for your support. We encourage passing of Bill 110.

CHAIR COOK: Thank you for your testimony. Members, any clarifying...clarifying questions for the testifier? Seeing none. Thank you very much. Next testifier.

MR. PASCUAL: Chair, the next testifier is The Royal House of Hawai'i, to be followed by Jeff Ueoka.

THE ROYAL HOUSE OF HAWAI'I: Aloha. This is The Royal House of Hawai'i...a member of the Royal House of Hawai'i, an heir and royal patent, allodial land tenant under Hewahewa, Helu 3237. And there has...I fully object, period, point blank, because I do not...you guys are not landowners, number one, because you guys are leasehold grantors, yeah? Because the royal patents own the land forever, just like the land over there, the king's land, yeah? My grandpa. You guys over there is frauding all these lands in front of our faces, yeah? There's no discussion with the beneficiaries...beneficiaries, and the heirs, and the descendants of the specific lands talked about. You guys is erasing the legal info on top of everybody's TMK. You need to put the royal patent, the real property, the LCA, Land Commission Award that was made in 1800s, already adjudicated. There's...you guys have no clear title to be a landowner because the royal patents, real property, own them forever...made by Kamehameha III. Kauikeaouli, make it known. And there's no discussion with any of us. Where...where's our discussion? Like it doesn't make...it really doesn't add up and make sense. Why are you guys calling your guys' selves an owner? You guys are a leasehold grantor. The land belongs and...belongs and...or it belongs to the royal patent descendants and heirs forever. And it...it doesn't add up. It's all frauded. Why...I fully object to this and any other development, no matter what, all this...every single development. I'm an allodial land tenant. I haven't got contacted in any of these decisions. Article 1, Section 1, who the people, I the people, can make...and can help make decisions, right? We on...we allodial land tenants, royal patent tenants, and there was no contact whatsoever. And the land belongs to the descendants of the royal patents, period, point blank. Because they do factually own it forever. It's an allodial title. Do I have to keep on repeating myself? And we are...we're not going to, obviously, evict the people that was living over there, number one, because hello, like, they was all raised over there, if anything. But yeah, you guys need to call up and contact the descendants of the royal patents, allodial title made by Kamehameha III. And...yeah. And...and that's all I got to say because that's, by right, by law, you guys never even contact us. We got to be contacted. And...yeah. Thank you. Irraz.

CHAIR COOK: Thank you for your testimony. Members, any clarifying questions for our testifier? Seeing none. Staff, next testifier.

MR. PASCUAL: Chair, the last individual signed up to testify is Jeff Ueoka. *(pause)*

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

MR. UEOKA: Thank you, Chair, Members. I just wanted to stand in support of Bill 110, and thank Mr. Smith from the Office of Recovery, Mayor Bissen, Councilmember Cook and his Staff for helping us push this forward. You know, certain...oh, sorry, I work for Front Street Recovery. I represent them as helping them out do some things. And just wanted to thank you guys. It gives certain levels of certainty to all the business owners trying to rebuild by having this improvement to public streets provision exempted. So, just wanted to say thank you to everybody for helping push this forward.

CHAIR COOK: Members...clarifying question by Member Sugimura.

VICE-CHAIR SUGIMURA: Yeah. So, because of all that you know, I was just wondering, since you're with Front Street Recovery, is there a list of other things that we should be doing to make the recovery faster, or the...the blocks then would be removed?

COUNCILMEMBER PALTIN: I don't think that's on the agenda.

VICE-CHAIR SUGIMURA: Well, he brought it up.

MR. UEOKA: I'll...I'll reach out to you offline, Councilmember. There...there are certain things that could help, I'm probably not super prepared to discuss it today though.

VICE-CHAIR SUGIMURA: . . .*(inaudible)*. . .

MR. UEOKA: So, thank you.

VICE-CHAIR SUGIMURA: I will call you, or you can call me.

CHAIR COOK: Members, any other clarifying questions? Seeing none. Thank you for your testimony.

MR. PASCUAL: Chair, that's all the individuals signed up to testify. If there's anyone in the audience or on Teams that would like to testify, please come up to the mic and begin your testimony, or use the raise-your-hand function on Teams and Staff will unmute you. Here's a brief countdown. Oh, I do see a Christine Camp who would like to testify on Teams.

MS. CAMP: Good afternoon. Christine Camp. McKinley already spoke on behalf for the owner for 838 Front Street. I'd like to speak on behalf of the 11 small business tenants who have asked me to speak on their behalf. These businesses would like to come back to Front Street. The bill, as proposed, is very helpful. We're grateful for your efforts. We'd like to build as soon as possible to bring them back. Some of them could not afford to stay on Maui, and they're now--temporarily, they tell me--they're living in other states while making a living, but they'd like to come back to Maui. Front Street works just the way it was. It was a charming little town, and it was a...a center of commerce for a lot of these businesses...for them, their employees and their families. So, we ask for your support. Councilmember Sugimura, as it relates to what could you do to make this faster? From an owner's perspective, and as well as the tenant's perspective, some of

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

the tenants had specialized licenses for Department of Health, or for liquor licenses. If they could have a one-stop shop so that they can, you know, start earlier, that would be really great. So, thinking ahead, right? One is to build. The second is for those tenants to just regroup and get their permits. And I can tell you that in our 25 years of owning this property, we've had two tenants go out of business waiting for permits. It is that difficult when you're in a historic district. So, if you could look forward to when those tenants do finally come back, those businesses when they do come back, if you can think about a one-stop shop that the County can propose, that would be really helpful. The second thing is...of course, it's not something that the County can do anything about, but I...I'm very encouraged by the memorandum of understanding that the County is working with the State Historic Preservation District [sic]. And I think it's important that you work through the processes as efficiently as possible so that not every little 10,000 square foot parcel--and our parcel is 14,000 square feet--has to do a full-on archeological survey for the entire lot. It should be done as an entire district, and that County should have an office that can process it instead of everything going to the State of Hawai'i. And my...my hope is that you can do that through the local channels with local archeologists. So, I understand that that is already moving through, and I hope that that moves forward. So, thank you, Councilmembers, for looking ahead. Thank you for this bill. I think the really number one important message is that Front Street worked the way it was, and we hope that you can keep it the way it is when we rebuild. Thank you.

CHAIR COOK: Thank you. Members, clarifying questions? I see Member Paltin, and then Member Sinenci.

COUNCILMEMBER PALTIN: When you said that you're speaking on behalf of the small business owners, some of which had to relocate, have they been given any assurances that they would be...like right of first refusal, or allowed to come back the same...the same?

MS. CAMP: Well, it all depends on how much it's going to cost for us to build. You know, for our particular situation, we were insured for \$8 million, and our new proposal to build without archeological work so far is \$23 million. So, I'm not sure that, you know, we're able to keep the lease rents the way it was, but we'd like to. And, you know, the speedier we can move forward, the easier it is for us to work with those tenants, and see if we can try to find a pathway for them. So, for us, you know, we're able to do that. I'm not sure if every property owner can.

COUNCILMEMBER PALTIN: So, no guarantees that the original tenants could return, it depends on what the lease price is, and what they can afford?

MS. CAMP: Absolutely. I mean, you know, if...if the owners can afford to keep the lease rates the way they are, but, you know, if you can make it easier, right? If you can reduce the property taxes, you can help with the insurance, you can allow their...their buildings to be faster. I mean, it's all about efficiency and certainty. It comes...translates down to rent for them.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: Thank you. Member Sugimura, questions, clarifying questions?

VICE-CHAIR SUGIMURA: Member Sinenci had before.

CHAIR COOK: I apologize.

VICE-CHAIR SUGIMURA: Yeah.

CHAIR COOK: Member Sinenci?

COUNCILMEMBER SINENCI: Yeah. Mahalo, Chair. And mahalo for your testimony. I guess...and...and I agree, the process of rebuilding Lahaina--and I'll probably ask this of Director Schmidt too. I just had concerns about safety, and maybe, you know, for...since the fires. I know we want to build back, but I'm supportive of build back safer. And so, I don't know if the small...the small business owners...will...you know, will there be more fire-retardant materials or firewalls in the rebuild? And...and I know Front Street emergency access and evacuation was an important piece that the...that the new Department is also working on. So, has there been some of these discussions with the...the small business owners about building back safer?

CHAIR COOK: Ms. Camp?

MS. CAMP: I think that's a very good question, Councilmember. And we've been told that we have to meet the current codes, which means sprinklers. You know, insofar as fire retardation, I don't think I'll be building a wood structure, but wood-looking-like structure, right? So, like Hardie Siding, for example, which is a cementitious board. And then we're very much supportive of that escape route in the back. What is that street that...that you're...you know, we would love for you to --

COUNCILMEMBER PALTIN: Luakini.

MS. CAMP: -- start acquiring property so you could have that access road right behind Front Street, right? So, it's parallel to it. I can't remember the...the name of the proposed street.

COUNCILMEMBER PALTIN: Luakini.

COUNCILMEMBER SINENCI: Okay. All right. Thank you for that. Thank you, Chair.

CHAIR COOK: Members, any...okay. Member Sugimura?

VICE-CHAIR SUGIMURA: Yeah, thank you. I'm very interested in your statement that...to take the 14,000 square feet--and correct me if I'm wrong--but to have it reviewed by SHPD all in...all at once versus individual parcels. I'm not sure. Can you explain that, what you said?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

MS. CAMP: Sorry, I misstated. So, you know, if you were to do a historic preservation review of one particular parcel, say 14,000 square foot, you have to hire an archeologist. You have to hire a cultural consultant. You have to put together a...a report, the initial phase report. Then you have to do test...test pits. Then you have to go back and report back, and you wait...and each one, you're waiting. Now, remember, there's one archeologist for...that Island of Maui, I think, was sharing with O'ahu and Kaua'i because, you know, they have a shortage of all these specialists at the State of Hawai'i. So, you know, it could take months, could take a year. Plus, when you add up all of those costs for that one particular property, that could be \$250,000, easily. So, my thinking is that, you know, it should be done in a more holistic way for the whole area that allows for faster adjudication of the properties without having to have each property owner, you know, hire all these consultants. It's not to say you're skipping a step, it's to go through it, but more expeditiously. And if you can do it locally, that will be much faster.

VICE-CHAIR SUGIMURA: Okay.

MS. CAMP: And that's the hope, right? Because they're more familiar with the area.

VICE-CHAIR SUGIMURA: Thank you. Maybe I'll ask the Office of Recovery if they have a thought on that. That's an interesting thought. Thank you.

CHAIR COOK: Thank you. Staff, do we have additional testifiers?

MR. PASCUAL: Chair, the last individual signed up to testify is Jay Miyaki. *(pause)* Jay, you're currently unmuted on our end. If you're able to enable your microphone and camera, then you can proceed with your testimony. *(pause)* Jay, if you're trying to unmute, you would have to go to the top right-hand corner of Teams, and click the camera and microphone icon to enable your microphone. *(pause)* Chair, I'm not seeing any activity coming from Jay Miyaki. Would you like to move on to the next individual?

CHAIR COOK: Yes.

MR. PASCUAL: Okay. So, Chair, at this time, there's no other individual signed up to testify. I can do a last call if you'd like. Oh, I do hear Jay.

MR. MIYAKI: Sorry, I'm online. Sorry, I'm online.

CHAIR COOK: Okay. Welcome.

MR. MIYAKI: Thank you. Sorry about the...the delay. Our family owns 764 Front Street, and we support Bill 110. And we're currently developing plans to replace as much as possible what we had. And our replacement, of course, will follow all current standard building codes, and then we're also working with SHPD to meet their requirements. But...and I understand they've streamlined some of their process. And if they can streamline the process even more, that would be even better. Any questions?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: Thank you, sir. Members, any clarifying questions for Mr. Miyaki? Seeing none. Thank you for your testimony, sir.

MR. MIYAKI: Thank you for your support for the bill.

MR. PASCUAL: So, Chair, that's all the individuals signed up to testify. If anyone in the audience or on Teams would like to testify, please come up to the microphone and begin your testimony, or use the raise-your-hand function on Teams, and Staff will unmute you. Here's a countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR COOK: Members, seeing there are no more individuals wishing to testify, without objections, I will now close oral testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR WAI-27 . . .

CHAIR COOK: Thank you. As a reminder, written testimony will continue to be accepted into the record. Members, I'm now...I am now proposing two rounds of three-minute questions per Members. Any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay. Thank you, Members. Let's start...let's begin. Member Sugimura?

VICE-CHAIR SUGIMURA: I want to go back to the discussion about SHPD. And if there's a way, Office of Recovery, that this can be done, you know, as the testifiers are speaking, or if there's a way that it could be more efficient, I guess?

MS. DESJARDINS: Chair? Chair, may I respond?

CHAIR COOK: Please.

MS. DESJARDINS: Hi. Thank you. You know, I think these bills are pretty narrow, and so I would just caution the body about what's on the agenda because I don't really think an expansive discussion about how to make this more streamlined is really on the agenda. So, I just caution.

VICE-CHAIR SUGIMURA: Okay. Okay. Thank you. Then...

CHAIR COOK: Thank you. Thank you, Member Sugimura.

VICE-CHAIR SUGIMURA: Then regarding this bill, it is being proposed by the Office of Recovery, and would you like to make a general statement, taking into

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

consideration what some of the testifiers have said? Because they did...they did bring up the things I'm talking about, but if it's too broad, I will take it up.

CHAIR COOK: John?

MR. SMITH: Chair and Councilmember, thank you very much. Yeah, I think in terms of talking about the SHPD stuff, maybe we can come back and help with that another time, if that's okay, Chair. Happy to do so. In terms of this bill, we...we simply support it. It's in line with...a couple testifiers have mentioned some of the recovery memos that we've sent out, and this...this bill is right in line with that. So, we just support the bill because it falls right in line with what the Office of Recovery is doing on Front Street in particular. Thank you.

VICE-CHAIR SUGIMURA: Thank you. Thank you.

CHAIR COOK: Thank you. Member Paltin, questions for resource?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Smith. I was on a plane on September 30th, and I was unable to attend the open house on the Front Street...or the commercial areas, and I was wondering if the turnout on that is in alignment with the...at least Bill 110 for right now, and like what the attendance was and sentiment, and if...if that was a precursor to this Bill 110 moving forward, or was this already in the works?

CHAIR COOK: Sir?

MR. SMITH: Thank you for that question. Yes, I'd say it's very much in line with the community's input at that particular meeting. It was a great turnout. Actually, it was one of the best turnouts I've seen at any of our community meetings. Very engaging. But what we heard, and what we continue to hear loud and clear, and we hear it today is, everybody likes Front Street. We get that. We support that. There are some safety issues, and there are some other things that we're working on that are outside of this bill, but in general, this particular bill is very much in line with the Rebuild Lahaina work and plan. We don't need to widen Front Street in order to make it work well.

COUNCILMEMBER PALTIN: One of the other big complaints prior to August of 2023 was the aggressive cosmetic sales. And if folks aren't, I guess, redoing the sidewalks, does the ownership still stand on that, like how some of the parcels went out into the...the public right-of-ways [sic]?

CHAIR COOK: Sir?

MR. SMITH: So, I...I think enforcement of that type of an issue would be separate from this particular Code change.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: So, everything would be the same, including ownership...because in this area, nobody's required to improve to current Code standards. So, the...the ownership that was before August 2023 would continue on?

MR. SMITH: Chair, the...the line between public and private will remain the same moving forward with this bill. So, that would mean, by default, whoever owns on one side versus the other, wherever that sidewalk is, it's clear that that would stay the same.

COUNCILMEMBER PALTIN: Is...is there any way to say that's a public right-of-way, even if there is private ownership out into the public right-of-way?

CHAIR COOK: Is that a Corporation Counsel question --

MR. SMITH: Well.

CHAIR COOK: -- or Administrator?

MR. SMITH: Yeah, I just don't know that this bill...I think I understand the intent of the question is to talk about, like, the aggressive street vendors; is that right?

COUNCILMEMBER PALTIN: Well, just...you know, I don't have a problem with not upgrading it . . . *(timer sounds)* . . . to normal today Code because it is the Historic District, and they said it worked, but that was one thing that we were constantly getting complaints about it not working. But I mean, that's not an infrastructure issue, that's like a human behavior issue. But if...if the sidewalk is public, to me, it's public, and your property comes out into the public right-of-way, this bill...there's no way that can address the public areas being public?

MR. SMITH: I mean...

CHAIR COOK: Corp. Counsel?

MS. DESJARDINS: Yeah. Thank you, Chair. Yeah, I think that's a separate matter that we still have to grapple with, but the next bill on the agenda might have a little bit of an impact on that. And in fact, Mr. Hopper and I were talking about that. But I think for this, it's going to remain as is because we are clearly not making anyone do any upgrades or anything.

COUNCILMEMBER PALTIN: Okay. I'll follow up on the next bill.

CHAIR COOK: Thank you. Members, any other clarifying questions for...or not clarifying, any other questions for our resource people? Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I'm sorry, I came in the meeting a little late, but was...was the Department of Planning in...in this meeting? Are they invited or no? Okay. Well, I read their letter, and that's number 9 on Granicus, and it sounded like they didn't support it. So, I'd like to see Mr. Smith kind of respond. The idea that

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

if this bill passes without amendments, it would delay the implementation of the 2022 West Maui Community Plan. Has that been considered at all, how that interacts with the West Maui Community Plan?

CHAIR COOK: Mr. Smith?

MR. SMITH: I have to admit, I have not read that letter from Planning. I wasn't aware that it was...I can read it real quick, though, if...if I can get a copy.

COUNCILMEMBER JOHNSON: It's number 9 on Granicus. It just seemed that that was their concern. The other concern, and maybe...maybe you could respond to this, Mr. Smith, was that the...do we even know what the total value of deferred improvements would cost?

CHAIR COOK: Mr. Smith?

MR. SMITH: Yeah, thank you for that question. There's not been a study done on Front Street to explain what that would be in terms of cost. I can say that in terms of the recovery, talked to the Mayor about this, talked to the Managing Director about this, and in alignment with the testimony, if there is a public right-of-way improvement that needs to happen in town, the CDBG-DR funds in particular are there to help bear some of that cost.

COUNCILMEMBER JOHNSON: Okay.

MR. SMITH: So, because we...we weren't able to say that before we had the funds, but now that we have the funds and it's particularly for recovery, we do intend to utilize some of the infrastructure funds to help offset that cost. Thank you.

COUNCILMEMBER JOHNSON: Okay. Thank you. I don't know...maybe Ms. DesJardins can respond. I don't know who, or maybe, Chair, you would recommend where this question would go. But what effect...if we do delay the West Maui Community Plan, what happens?

CHAIR COOK: Corp. Counsel?

MS. DESJARDINS: Yeah. Thank you, Member Johnson. I think the community plan is already in place. So, I'm not...I mean, I don't understand the question how we would be delaying it. If there's a particular...

COUNCILMEMBER JOHNSON: I'm only, you know, responding to what the Planning Department mentioned in their letter number 9 on Granicus. So --

COUNCILMEMBER PALTIN: Delaying the implementation.

COUNCILMEMBER JOHNSON: -- these are just questions I would...

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

MS. DESJARDINS: Yeah. So, I don't know. I think that that would be a different topic that we would probably want to discuss. I'm not so sure that Bill 110 would directly impact that.

COUNCILMEMBER JOHNSON: Okay. Just...you know, thank you for the response. Thank you, Chair.

CHAIR COOK: Thank you. Member Rawlins-Fernandez, do you have any questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. No questions.

CHAIR COOK: Member Sinenci, you have questions?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just a follow-up with Mr. Smith about it looks like there are efforts from the Department to do emergency evacuation behind Front Street. And Chair, was...you mentioned this was from Shaw Street to Pāpalaua Street on Front Street, was that it?

CHAIR COOK: John?

MR. SMITH: Yeah. Thank you for that question.

COUNCILMEMBER SINENCI: Pāpalaua.

MR. SMITH: Yeah. This was Baker to Shaw, I believe, this...in this bill. And to answer your question in terms of emergency access and safety, yes, it is the intention of the County to pursue an extension of Luakini Street behind this area that would act as an alternate route. That's in the works now, but not part of this bill. Thank you.

COUNCILMEMBER SINENCI: Okay.

CHAIR COOK: Thank you, sir.

COUNCILMEMBER SINENCI: Thank you for that. Thank you, Chair.

CHAIR COOK: Okay. Anybody else online that hasn't...any further questions? Second round. Member Paltin?

COUNCILMEMBER PALTIN: I did want to try and follow up on what Member Johnson was saying about the community plan, and it's delaying the policies and action items about street improvements and the undergrounding of utilities within West Maui, which were policies 2.2.1, 2.5.20, and action items 2.14 and 2.17. They're saying it's currently exempted for single-family homes, and exempting all property owners is not in alignment with the community plan. And so, because this is in the SMA, is there any...like usually, when the community plan is in the SMA, it's more of a has to happen, and when it's outside of the SMA, it's a recommendation. So, I just was wondering,

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

we're...we're not following the community plan in the SMA, and that's okay because we're changing the law, or how...how does that work?

CHAIR COOK: Mr. Smith?

MR. SMITH: If it's okay I'll start, and then I'll ask Mimi to weigh in as well. So, just in terms of the Planning Department letter, maybe why I didn't see it, this was August 13, 2024 when it was written.

COUNCILMEMBER PALTIN: So, it's the old version of the Bill 110.

MR. SMITH: So, this was written in response to the first version, which I think was a much broader range. We've narrowed it all the way down to just Front Street. So, that's the difference. So, I think the comments...I haven't actually read...I probably did read this letter back in 2024, but just for clarification. So, I don't want to confuse everyone. I think that was a response --

COUNCILMEMBER PALTIN: Yeah. I...

MR. SMITH: -- to...because we have been working hand in hand with the Planning Department.

COUNCILMEMBER PALTIN: I understand that part.

MR. SMITH: Yeah. Okay.

COUNCILMEMBER PALTIN: So, it's a smaller piece, but that piece is still in the SMA. So, same question, but I understand it's a smaller question.

MR. SMITH: So, in...right. So, in terms of the undergrounding and those sorts of things, those are not off the table. We do plan to, where we can, help with that too. We just don't need to widen Front Street to do things like that. I think that's the bottom line, but I'll let Corp. Counsel weigh in on it from a legal standpoint in terms of...

CHAIR COOK: Corp. Counsel, comment?

MS. DESJARDINS: Thank you. Yeah, I was also going to just point that out, that it looks like there's been a substantial amendment since the letter. The Planning Department's comments do point out, of course, that this encourages the community plan, encourages certain things happen in West Maui. However, like you said, Member Paltin, you are enacting a law. So, I'm going to take a shot in the dark here, and say you have the right to change the law...and then the community plan, of course, you're not bound by the community plan when you're changing that. But I don't know whether that will involve an amendment to the community plan in the future, perhaps, to align with it. But I agree that the area is so narrow that I think that it's intended to address a very specific issue. And so, that should hopefully alleviate some of your concerns about the community plan. And I like to hear that they are still trying to implement some of those

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

safety measures, even though it just doesn't involve having to have these folks do improvements in order to effectuate that.

COUNCILMEMBER PALTIN: So, the...the policies and action items that encourages street improvements and undergrounding of utilities can still be the policy and action item. We're just not going to do it in this specific area that was destroyed. But it still applies. Because if we're doing the undergrounding on Luakini Street, that's still one of the action items, and improving the evacuation routes is also street improvements?

MS. DESJARDINS: Thank you. Yeah, I think that what would probably happen is that once we determine what form of this bill passes . . . *(timer sounds)*. . . we would then want to make sure with Planning that it's still in alignment with the community plan. Because of course, we could also come back with an amendment to the community plan if we felt that there was a deviation from the plan so substantial that it required that type of an amendment.

COUNCILMEMBER PALTIN: Okay. Yeah, that sounds good. Please do that.

CHAIR COOK: Thank you. Members, any additional questions? And I want to welcome Member U'u-Hodgins is back.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I'm at my private residence now. I do have three minors and an adult, Makoa U'u-Hodgins, all walking around me. I don't have any questions. I have been listening as best as I could to the questions. But thank you for acknowledging me. Thanks.

CHAIR COOK: Thank you. Okay. Members, any other questions on this particular item? Okay. Seeing no further discussion, we'll move on to decision-making. Now the Chair would like to entertain a motion to recommend passage of Bill 110 on the first reading.

VICE-CHAIR SUGIMURA: So move.

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR COOK: Moved by Member Sugimura, second by Member U'u-Hodgins, to recommend passage of Bill 110 on the first reading. Members, any discussion before I move on to my amendment summary form? Members, your Chair would like to entertain a motion to substitute Bill 110 with the proposed CD1 version incorporating the amendments referred to in the ASF's description.

VICE-CHAIR SUGIMURA: So moved.

CHAIR COOK: Moved by Member Sugimura, seconded by...

VICE-CHAIR SUGIMURA: We need a second.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: I need a second. Member Paltin. To substitute Bill 110 with the proposed CD1 version. Members, this ASF replaces the exception for any property where a structure was destroyed or damaged by the August 8th, 2023 Maui wildfires, with a more limited exemption applying only to the structures on Front Street properties located between Shaw Street and Baker Street within the Maui County Historic Districts numbers 1 and 2 that were destroyed or damaged by a declared emergency disaster. Also incorporates nonsubstantive revisions, is approved by the Corporation Counsel. Is there any discussions?

COUNCILMEMBER SINENCI: Chair?

CHAIR COOK: Member...Member Sinenci.

COUNCILMEMBER SINENCI: Sorry. I had another question for Director Smith about the makai side properties, particularly those properties that were built on stilts and cement pylons. Are those...are those also included in the bill?

CHAIR COOK: Member Smith...I mean, Mr. Smith?

MR. SMITH: Thank you, Chair. Whether or not those...those properties are developable back is...is not part of this...this bill.

COUNCILMEMBER SINENCI: Okay.

MR. SMITH: So, it's...it's...not...if that's...if that's the question, or if that...it's at the root of the question.

COUNCILMEMBER SINENCI: Okay. Yeah, I just was concerned. Thanks for the...the leeway, Chair. Thank you.

CHAIR COOK: Seeing no further discussion, all those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. HURDLE: Chair, you have six "ayes," zero "noes," with Members Rawlins-Fernandez, Kama, and Lee excused. The motion passes.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama, Lee, and Rawlins-Fernandez.

MOTION CARRIED.

ACTION: APPROVE substitution.

MR. HURDLE: You’re back to the main motion as amended.

CHAIR COOK: Thank you, Members. We’re now back to the main motion that is amended. Any further discussion? Okay. Seeing no further discussion. All those in favor, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. HURDLE: Okay. Chair, you have seven “ayes,” zero “noes,” with Members Lee and Kama excused. The motion passes.

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama and Lee.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 110, CD1 (2024).

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: Thank you, Members. This item will move on to the full Council's consideration. Thank you very much. We have one more item. Does anyone want to take a break, or you want to just keep going? Keep going.

ITEM 17: BILL 156 (2025), AMENDING CHAPTER 12.52, MAUI COUNTY CODE, ON ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY

CHAIR COOK: Okay. Members, the last item is Bill 156, which relates to private encroachments into public right-of-way, such as awnings, canopies, marquees, and signs that extend over the sidewalks. In Lahaina and other historic districts, many of these overhead features were legally built decades ago to provide shade, aesthetic continuity, and pedestrian comfort. With Lahaina's rebuild, property owners are seeking guidance on rebuilding. The existing Code does not clearly address replacements following an emergency or a disaster, nor does it distinguish between minor repairs and full reconstruction. Bill 156 fills that gap by defining a replacement encroachment as a structure located partially or wholly within a public right-of-way that replaces a legally-constructed encroachment destroyed or damaged by emergency or disaster. It would also clarify that these replacements must meet Building Code standards, maintain adequate clearance, and not interfere with public health or safety. The goal is to support safe and timely restoration of Lahaina's walkable streetscapes while maintaining clear standards for the County's oversight of the public rights-of-way. Members, I also have a proposed amendment summary form to further clarify the definition of replacement encroachment as replacement overhead encroachment, in addition to the other amendments. At this time, Director Molina or Administrator Smith, would you like to provide any opening comments?

MR. SMITH: Thank you, Chair. So, 156 allows...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MR. SMITH: Oh. 156 allows folks to rebuild their awning, canopy, and balcony over the public sidewalk. It creates that street-level like pedestrian experience that we're hearing from the public that is wanted to return, and it's used in all of Maui's small towns. It was common during the time when these towns were originally built, and we feel like this is in line with what the community has been telling us in terms of how the town comes back. So, we support this as well. Thank you.

CHAIR COOK: Thank you. Before we begin our...is Director Molina on, Staff?

MR. HURDLE: Chair, he's online.

CHAIR COOK: Director Molina, do you want to make any comments regarding this bill?

MR. MOLINA: No comments, Chair. Thank you.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: Thank you, sir. Thank you. Before we begin our discussion, let's see if anyone would like to provide testimony for WAI-17. Staff?

MR. PASCUAL: Chair, the first individual signed up to testify is Warren Freeland, to be followed by Theo Morrison. *(pause)*

. . . OPEN PUBLIC TESTIMONY FOR WAI-17 . . .

MR. FREELAND: Aloha. Once again, I am Warren Freeland. I represent my family and Front Street Recovery. I just wanted to provide a brief testimony in support of Bill 156. We believe this bill helps to preserve the time...timeless character of Lahaina. Thank you.

CHAIR COOK: Thank you. Members, any clarifying questions for our testifier? Seeing none. Thank you, sir. Staff?

MR. PASCUAL: Chair, the next individual signed up to testify is Theo Morrison, to be followed by Jonathan Helton.

MS. MORRISON: Hello. Aloha. My name is Theo Morrison. I'm the Executive Director of Lahaina Restoration Foundation, and we're in support of Bill 156. It just...it's just...is a part of Lahaina, and it sounds like there's just a mix-up between the Historic District guidelines and the Code. So, approving 156 would straighten things out and let Lahaina be Lahaina. Thank you.

CHAIR COOK: Thank you. Members, any clarifying questions for our testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I just was wondering if you had any knowledge--somebody had commented on...I posted a amendment summary form about large delivery truck roofs hitting the awnings. Did you have any knowledge of that? Oh, I see another testifier, I guess, maybe?

MS. MORRISON: No, I don't, but he does. . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: Okay. Thank you. I thought you knew...because you know everyone. . . .*(laughing)*. . .

CHAIR COOK: Members, any other clarifying questions for that testifier? Seeing none. Staff, next?

MR. PASCUAL: Chair, Jonathan Helton did leave the meeting, so the next individual signed up to testify is McKinley Eads, to be followed by Ryan Churchill.

MS. EADS: Hello, Chair, or Council. I'm once again...testifying on behalf of 838 Front Street. We strongly support this bill. It provides a vital path to restoring the historic

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

architectural features that gave Front Street its charm and its pedestrian-friendly character. It allows these features to be rebuilt safely and legally and to the original scale as long as they meet the current Building Code standards. I can attest that recovery is already complex. Without measures like these, we risk not...losing not only buildings, but also the unique identity that defines places like Front Street. These features offered more than aesthetic value. They provided shade, comfort, and a sense of place. Restoring them is essential to Lahaina's cultural, historical, and commercial vitality. I respectfully urge you to pass this bill. Thank you.

CHAIR COOK: Thank you. Members, any clarifying questions? Member Paltin?

COUNCILMEMBER PALTIN: Oh, thank you. Ms. Eads, I just wanted to clarify, when you said about current Building Code standards. So, this is already allowed, but just not in the Historic District or something? Is that why this bill is needed?

MS. EADS: From my understanding, it is needed just because there is currently no clear path forward if somebody was trying to rebuild. Like let's for say...let's say...a patio or an awning, there's nothing that is dictating their allowability to encroach on these public right-of-ways [sic]. So, from my understanding, we'd have to go through a piecemeal process of each property applying to essentially encroach on this right-of-way, and then this bill makes it free and simple that everyone who had a previous encroachment is allowed to rebuild that as it was. But if...obviously, if someone had created since a patio years ago that wasn't up to Code now, they'd have to update it.

COUNCILMEMBER PALTIN: Oh, okay. I see what you're saying. Thank you.

MS. EADS: Thank you.

CHAIR COOK: Thank you. Members, any other clarifying questions for this testifier? Seeing none. Thank you very much.

MR. PASCUAL: Chair, the next individual signed up to testify is Ryan Churchill, to be followed by James Lawrence.

MR. CHURCHILL: Good afternoon, Chair and Committee again. Ryan Churchill with Pacific Rim Land representing 612 Front Street. I'm also testifying in support of Bill 156. This will allow for replacement of awnings, canopies, signs, or similar structures encroaching on Front Street. The bill will allow Front Street to be rebuilt with the same charm that existed before the fires. The bill will also allow buildings to be rebuilt consistent with the architectural style book for Lahaina, which encourages awnings over the sidewalk. Mahalo for the opportunity to testify, and urge you to pass this bill. Thanks.

CHAIR COOK: Thank you, sir. Members, any clarifying questions for our testifier? Seeing none. Oh, wait, Member Paltin? Mr. Churchill, question from Miss...Member Paltin.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: Thank you. Thank you, Mr. Churchill. I just wanted to clarify that the version of Bill 156 that you're in support of is the amend...amended one that replaces the term "replacement encroachment" with "replacement overhead encroachment," and clarifies that the definition applies only to structure located partly or wholly over a public right-of-way, including an awning, canopy, marquee, or sign...or was it the original version?

MR. CHURCHILL: Amended with overhead, like you stated.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. CHURCHILL: It's the overhead encroachment.

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: Thank you. Members, any clarifying questions? Seeing none. Thank you, sir.

MR. PASCUAL: Chair, the next individual signed up to testify is James Lawrence, to be followed by Jeff Ueoka.

MR. LAWRENCE: Aloha, Luna Ho'omalulu Cook.

UNIDENTIFIED SPEAKER: Two more before you.

MR. LAWRENCE: Oh, I thought he just said...

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

MR. LAWRENCE: That's me.

UNIDENTIFIED SPEAKER: Oh, okay.

MR. LAWRENCE: If you looked on the court document, that's what it said, *Commonwealth of Virginia v. James Lawrence*. . . (laughing). . . Thank you. Thank you for taking this important matter into your Committee, Mr. Cook. I also wanted to thank The Royal House of Hawai'i for their diligence and 'onipa'a for Lili'uokalani's 'ohana. And last week, Mr. Cook, you asked me, what am I doing here? I'm going to get you the file one of these days. Are you in a good mood or not? . . .(laughing). . . Because...

UNIDENTIFIED SPEAKER: Stick with the agenda, please.

MR. LAWRENCE: Okay. So, I'm glad that Councilor [sic] Paltin clarified that because the reason I got here was because of a bench that was on the sidewalk. So, I didn't see too many benches in Lahaina, but I think there was at least one over by the shore...the rock wall that Ms. Morrison was talking about. So...okay. So, if I start talking about benches, you're going to tell me relevance, right? Or are you like open-minded today, or what?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: Basically, it's this particular bill, which is encroachments into the right-of-way from the buildings being reconstructed.

MR. LAWRENCE: All right. You kind of threw me there because you didn't do a beginning of the meeting public testimony. You kind of broke it up, but I follow. Okay. So, let me make this more specific to the awnings. Up in Waiakoa Town, there's not that many...there ain't that many sidewalks. This is kind of like a sideline here. So, I'm glad you guys are clarifying this for later when we start growing.

CHAIR COOK: This is...sorry to interrupt you. This is specifically for Front Street in Lahaina.

MR. LAWRENCE: All right. I was just comparing it to the awnings up in Kula.

CHAIR COOK: That doesn't have any comparison. Did...it's basically reconstructing Front Street.

MR. LAWRENCE: Okay. I was just --

CHAIR COOK: As the . . .*(inaudible)*. . .

MR. LAWRENCE: -- I don't go out there that much, so I don't know...I don't...I don't know that much. But I used to be a handyman downtown Fredericksburg before they ran me out of town. But I did clean a couple awnings, so I kind of know what you're talking about. I'm in favor of awnings because of the shade factor on that. It's all...all...hot all the time in Lahaina. So, my...my main point is that some of the...like...like The Royal House of Hawai'i person was saying, they might own the building, they don't own the land of the building. They don't especially own the sidewalks. I think Mr. Molina could probably clarify that. So, I just want to make clear too, maybe put it in the bill or whatever, maybe the Police Department, I hope they're watching, that they don't own the...the...when you're standing underneath the awning in the shade in front of somebody's store, they can't call the police on you for trespassing. You're on a public right-of-way. So, that was my main point. And...yeah, I never did like those narrow sidewalks in Lahaina . . .*(timer sounds)*. . . so I'm kind of stuck in the middle on that one, so yeah.

CHAIR COOK: Thank you. Please...

MR. LAWRENCE: I tried, bro.

CHAIR COOK: Okay. Thank you.

MR. LAWRENCE: Okay. Thanks, man.

CHAIR COOK: Any clarifying questions...

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

MR. LAWRENCE: Thanks for working for the County. And I saved the rest of my time for the Hawaiians.

CHAIR COOK: Any clarifying questions for our testifier? Seeing none.

MR. PASCUAL: Chair, the next individual signed up to testify is Jeff Ueoka, to be followed by Kai Nishiki on Teams

MR. UEOKA: Oh, thank you, Chair, Members. Support Bill 156. Just wanted, again, to thank all of you for bringing this forward. It will help with the rebuild, as was mentioned previously. A little bit of inconsistency between the historic standards and what's allowed as an encroachment over a public right-of-way. I want to thank Director Molina specifically. Reached out to him with this issue, and he jumped on it to help us pretty quickly, and, you know, your office, and Office of Recovery, and the Administration. So, thank you very much.

CHAIR COOK: Thank you. Members, any clarifying questions for the testifier? Seeing none. Thank you.

MR. PASCUAL: Chair, the next individual signed up to testify is Kai Nishiki, to be followed by Jay Miyaki.

MS. NISHIKI: Aloha, Chair, Committee Members. I am glad to hear that the word "overhead" was put into the changes because I would definitely have a issue if...if we're just going to be allowing encroachments on the public right-of-way for...for actual structures. I will say that I did participate online in making the comments about...about Front Street, and so it kind of feels like this may or may not have not fully taken into consideration all of the comments. I will say that one of my comments was that we need to be really...that...that we should really be looking at...when we're rebuilding Lahaina, that we're not just encouraging commercial creep into public spaces. And, you know, there's lots of talk about putting like tables and chairs and benches, and...and...and things like that, but then, you know, a lot of businesses will then kind of...kind of like cockroach that space in front of their...in front of their businesses that actually belong to the public. So, I think that that is definitely a concern. And with the awnings...hey, we need trees in Lahaina. That is...

MS. NAKATA: Excuse me, Chair.

MS. NISHIKI: We need to add more of a natural environment back to Lahaina Town, and so I'm concerned that the overhead replacements of all of these awnings may...you know, the businesses are probably going to say they don't want trees, they want to have their awning. So, I just think that, you know, there's going to be some conflict in...in regards to that. I do see number 5, that they...they may have to modify or remove their replacement encroachment if there was improvements made. So, I would just like to give more preference and more priority for trees rather than awnings because trees actually support our community's goal of having shady, tree-lined avenues. And also for our...for environment, more trees is just better. So, a little bit of a concern in...in

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

thinking that we're just going to have all of these awnings, which just is more built, and more commercial environment, and that...that we really should not just be building . . . *(timer sounds)*. . . Lahaina back the way it was. We really need to be thinking about resiliency. And really, the whole town should be shift...shifted mauka outside of the sea level rise exposure area. The seawall is absolutely going to fail, and all of this investment into these businesses is being encouraged in an area that is a coastal hazard area. So, it's quite disappointing to see folks wanting to just build right back in a coastal hazard area. It's...it's not smart, and we should not be pushing local businesses or local people into these hazard-prone areas. Mahalo.

CHAIR COOK: Thank you for your testimony. Members, any clarifying questions for our testifier? Seeing none. Thank you. Staff?

MR. PASCUAL: Chair, the next individual signed up to testify is Jay Miyaki, to be followed by The Royal House of Hawai'i. *(pause)*

CHAIR COOK: Hello, sir. Can you unmute?

MR. PASCUAL: Jay, we see you online. We see your camera on. You would just have to unmute yourself. *(pause)* Chair, I'm not sure if he's experiencing any technical difficulties at the moment, but Jay, you would have to go to the top right-hand corner of your screen and find the microphone option, and then...yep.

MR. MIYAKI: Thank you very much. I appreciate that help. Again, my family owns 764 Front Street. 764 Front Street is located right across the wall, and we support this bill.

CHAIR COOK: Thank you. Do you have further testimony?

MR. MIYAKI: No.

CHAIR COOK: Thank you, sir. Members, any clarifying questions for our testifier? Seeing none. Thank you very much, sir.

MR. MIYAKI: Thank you.

MR. PASCUAL: Chair, the last individual signed up to testify is the Royal House of Hawai'i.

THE ROYAL HOUSE OF HAWAII: Aloha. This is The Royal House of Hawai'i. And this is all highly invalid, highly illegal, and highly frauded. You guys still haven't contacted us, the descendants of the royal patents, and as you heard Jamie *(phonetic)* earlier--mahalo bruddah Jamie--it's...you guys do not own the...the land, okay? You guys only own the building, and if the heirs decided to kick any of you guys off, they can very much, legally. And this is very highly illegal, very much fraud, very much gentrification. Because like how are you guys saying that you guys like Lahaina stay Lahaina when you guys keep on making laws, changing 'em, all of that, making all these changes to rules, yeah. But they cannot change the rules with the royal patents, allodial titles because they

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

supersede all of that, anyway, and it's the original metes and bounds of this country, Ko Hawai'i Pae 'Āina, and it can never be changed, and the royal patents are titles to those metes and bounds, as you guys should know. And if you guys never know that, all of that what I just said, you guys have no qualification in that chair, period, point blank...because you guys is committing genocide to my papa's kingdom. My papa's land stay over there...you guys know Moku'ula, yeah, over there, Lahaina, Front Street, right? And it is highly illegal. And that's my greatest concern. You guys like Lahaina to keep...be Lahaina, make 'em be Lahaina then. Return the royal patents to the...return the land to the royal patent heirs and descendants, period, point blank. You guys is highly committing crime on an international level, okay? So, do what is right, do what is right by law. If you guys like keep Lahaina, yeah, return the land to the royal patent and the descendants of those lands...all those lands. No matter, I don't care if you is one business owner, I don't care if he's this and that...bro. We The Royal House of Hawai'i, you guys . . . *(expletive)*. . . you guys pushing us to the side, we don't even have no say and not . . . *(inaudible)*. . . yeah? So, try contact us because you guys supposed to be doing that by right by law, period, point blank. We never get no contact. This is highly illegal, highly. Contact the descendants of the royal patents and the descendants of those royal patents, allodial...which is the allodial titles. And if you guys don't know what that is, you guys do not have no qualification in that chair, point blank, period. Mahalo.

CHAIR COOK: Thank you for your testimony. Members, any clarifying questions for our testifier? Seeing none.

THE ROYAL HOUSE OF HAWAII': Yeah, please have clarifying questions, please. Mahalo. Because I need...I need to have answers. I never get no answers.

CHAIR COOK: Seeing no clarifying questions from the Members. Staff?

MR. PASCUAL: Chair, that's all the individuals signed up to testify. If there's anyone in the audience or on Teams that would like to testify, please come up to the mic and begin your testimony, or use the raise-your-hand function on Teams, and Staff will unmute you.

CHAIR COOK: We have one more.

MR. PASCUAL: Oh, okay.

MR. KOCH: Sorry about that, I jumped the gun when I was first up here. Leil Koch.

MS. NAKATA: Excuse me, Chair. I believe Mr. Koch has already had an opportunity to testify on both items. Although he testified at the incorrect time, he did testify on both bills.

CHAIR COOK: Member Paltin?

COUNCILMEMBER PALTIN: Could I request Mr. Koch be a resource to this Committee because of his knowledge about delivery trucks and their collision with awnings?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: Members, any...any...okay. Everybody's in agreement.

MR. KOCH: Oh, stickler for...

CHAIR COOK: Are you willing...are you available to be a resource person for the next few minutes?

MR. KOCH: I am if the stickler for...

CHAIR COOK: Does that satisfy our need? Thank you. Please proceed.

MR. KOCH: Thank you very much. I am in support of the bill, by the way. But yes, the awning in question was...

MS. NAKATA: Excuse me, Chair. I apologize, Mr. Koch. So, if he's being made a resource person, then once we close public testimony, the Members will be able to question him during deliberations.

COUNCILMEMBER PALTIN: Okay. I think there wasn't any, but I'll allow for the last call for public...or the Chair can allow for the last call.

CHAIR COOK: Is there anybody in opposition to closing testimony and having this be...our resource person be the final comment?

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR WAI-17 . . .

CHAIR COOK: Please proceed.

MR. KOCH: All good? All good. Okay. Leil Koch again here. And the...well, at least one awning in question was our own awning at 744 had been run into many, many, many times. And that was due to the fact of a sidewalk cutout that we were kind of forced to do from a...from a County perspective during our rebuilding of the project when...when we took over the building for delivery trucks. Delivery trucks could only come at 6:00 a.m. in the morning or wherever down Front Street at that time. And so, they...they did a cutout of...of the sidewalk where the trucks came in. At that time, we had our metal roof awnings that would come over. And every once in a while, the FedEx or the...the delivery trucks would get too close, and run right into our awnings. I'm all in support of all the awnings covering over this sidewalk. I did have a conversation with the folks at the Cannery Mall of saying, and beautifying, and extending the wonderful sidewalks. My hope was to extend the sidewalk in front of 744 because there was like a three-foot drop-off. And...and visitors would be going along not paying attention, and fall right off the...the...the cliff, and break their ankles right off there. But a beautiful sidewalk with a wonderful awning on Front Street is...is a wonderful thing. And no

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

trees, please. Because 20 years down the road, roots and leaves are not a good thing for sidewalks. But if you have any questions that I can help you with...but yeah, we lost about three or four awnings.

COUNCILMEMBER PALTIN: Is there any way...like would the awnings need to be higher, or what would prevent that from happening?

MR. KOCH: Well, so...so, we ran into...we couldn't raise the awnings or lower the awnings because of the CRCs. We ran into the Coastal Resources Commission, and so we were in a pickle. We couldn't do...we couldn't...we...we...we were stuck. So, we had...and so then we were with how far we could come out...so we were right at the point. We didn't think they would be hit, but every once in a while, you've got a driver that...and depending on the size of the truck, you know, they clipped off the edge. And so, then you have to replace the whole metal awning when it...when it would go. Now, that's not going to affect a lot of the...the buildings on Front Street. Just the way the configuration of the buildings are, you're talking...

COUNCILMEMBER PALTIN: And there was no public safety issue when the truck would hit the awning...like nobody was in danger?

MR. KOCH: No, this was usually early in the morning with early delivery. So, you would be talking, just...

COUNCILMEMBER PALTIN: 6:00.

MR. KOCH: Yeah, people walking on the sidewalk, I mean, early morning folks. Usually businesses won't open until 9:00, 10:00 in...10:00 a.m.

COUNCILMEMBER PALTIN: Okay. And your awning is the only awning that you know of that had this issue, or were there more?

MR. KOCH: We were metal. A lot of them would be roll-out...roll-out canvas that would come...that would come out and cover the streets. That'd be single-story buildings. As you get further down...as you get further down heading down towards Longhi's direction, as you're going down that way, and then a lot of them didn't have awnings. Once you got past the other buildings that would block it, you wouldn't have too many awnings. But it was...especially mauka direction, the...you get the direct sun coming...coming in. That's where you do it. We happened to have metal, and we chose metal for our buildings, two-story buildings especially. And then where you had the old Blue Max, or the...the pizza place was...would be all wood. You have the balconies be historically correct. Depending on height limits and where the trucks come in, you would have that. So, awnings, it builds character. The awnings, I mean, that's Lahaina. You just have to create sidewalks, and that's where the big discussion at the cannery is. How do you create character with sidewalks and...and cooling without having, you know, big, huge, puffy trees or palm trees, which don't belong there? You know, you create little bonsai trees or . . .(timer sounds). . . or some kind of stuff.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. KOCH: Any other...any other questions? Does that answer?

COUNCILMEMBER PALTIN: It answers my question.

MR. KOCH: Yeah.

COUNCILMEMBER PALTIN: I see Member Johnson had a question.

CHAIR COOK: Member Johnson, your hand's up.

COUNCILMEMBER JOHNSON: Thank you, Chair. Okay. You said something that I got to ask. Why do you think trees don't belong there? That's the part...I mean, you know, the...you've heard the expression Lahaina noon, right? I mean, trees bring shade. There's a big push to have shade trees, especially...you know, I mean, we can look at Honolulu with the amount of arborists they employ. Why do you think trees don't belong on Front Street?

MR. KOCH: I don't think...certain kind of trees do not belong. We...so, we had...we had two beautiful trees in...so, 744 Front Street, two-story building plus the rooftop, plus Kukui Lane. So, we had two kiosks in Kukui Lane, which we had two wonderful trees to provide shade, to provide an area for people to sit. We had the only...the only egress coming from Luakini through Kukui Lane to Front Street with two wonderful trees. Well, those two nice, beautiful trees turn into huge things. Roots start breaking the...the...the area of confinement. They start breaking pipes. You fast forward of what these trees are going to look like. Unless you're going to have bonsai trees, or something that creates maintenance...that are easily maintained over time. If you fast forward 20 years...especially for two-story buildings, you don't want to block the economic viability of --

COUNCILMEMBER JOHNSON: So --

MR. KOCH: -- of --

COUNCILMEMBER JOHNSON: -- it's the idea...

MR. KOCH: -- of Front Street. So, take, for instance, 744. I'll speak specifically under 744, where Fleetwoods was. If you're going to plant trees in front of Fleetwoods, at some point, that tree's going to cover up the whole view. People come there to look at the harbor, to watch the boats coming out, to see the sunset. Why would you have a tree blocking that whole view? Or go to the pizza place, and not be able to see anything about Lahaina except for a tree?

CHAIR COOK: Okay. Member Johnson, does that --

COUNCILMEMBER JOHNSON: Okay.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: -- answer your question?

COUNCILMEMBER JOHNSON: You know, we can get in a debate of it. I'm not here to debate you, but I definitely don't agree that the...I mean, we can plant smart, and, you know, maintenance is part of all of this. Tree tunnels are beautiful. The view, I've...I've heard that...well, I don't want to debate you, but I hear your...thanks for responding. Thank you, Chair.

CHAIR COOK: Thank you. Members, any other questions for our resource people...person? John? Okay.

MR. SMITH: Thank you, Chair. Just a quick comment on...not to talk about trees, but maybe just to get back to the awning. Recovery loves trees, we're figuring out how to make trees work in this town so that they work for both the commercial and the public. But on the awning side, it's...it's a really good example of how, you know, we're getting input in these public forums when we go to the Cannery Mall and we have these things where we know very specifically what this issue is. And that...and there's a fairly simple thing we can do in the sidewalk to help fix this issue so that the canopy works, so that the trees will work eventually, and the sidewalk works. So, this is...it's...it sounds like a problem, but this is a unique situation that we know about, and we know how to fix already, and we're going to work together to make sure that that happens. So, I just don't want to sidetrack what we're...this particular...this is a good bill. Thanks.

CHAIR COOK: This is a good thing.

MR. SMITH: Yeah. Thanks.

CHAIR COOK: Okay. Thank you.

MR. KOCH: Yeah, I'm all for it, so... Anyway, thank you.

CHAIR COOK: Okay. Thank you, sir. Thank you for your participation. Thank you. Staff, is there anyone else wishing to testify?

MR. HURDLE: Chair, you already closed public testimony.

CHAIR COOK: Oh, that's right.

MR. HURDLE: We're already in deliberations.

CHAIR COOK: Okay. Members...we already did that. As a remember...as a reminder, written testimony will continue to be accepted into the record. Members, I'm proposing two...okay. I already did that too. Seeing no further discussion, we'll move on to decision-making. Now the Chair would like to entertain a motion to recommend passage of bill...

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: I...I did have...we didn't do the two rounds of questions yet.

CHAIR COOK: I thought we did a lot of talking. My apology. . . .*(laughing)*. . . Okay.

COUNCILMEMBER PALTIN: We did do a lot of talking.

CHAIR COOK: So, we're...rewind to...Members, I'm proposing two rounds of three minutes questions per Member. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: No objections. Thank you. We'll start with Vice-Chair Sugimura.

VICE-CHAIR SUGIMURA: No questions. I support this.

CHAIR COOK: Okay. Councilmember Johnson?

COUNCILMEMBER PALTIN: Oh, what about...

CHAIR COOK: I'm going on my list. I'll be right with you.

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER JOHNSON: Was that for me?

CHAIR COOK: Yes.

COUNCILMEMBER JOHNSON: Okay. I'd like to follow up with Mr. Smith. If you could explain what you said, you have a proposal to balance out trees, as well as the awnings all together. There's a...I didn't...if you could just explain a little bit of that detail.

MR. SMITH: Chair?

COUNCILMEMBER JOHNSON: . . .*(inaudible)*. . .

MR. SMITH: Chair?

CHAIR COOK: . . .*(inaudible)*. . .

MR. SMITH: Thank you. So, we don't...we want to bifurcate the discussion in terms of we're just talking about the awnings, but the Rebuild Lahaina Planning effort very much is focused on where are the right trees supposed to be, where do they fit well in the public right-of-way across the board. So, that is a huge part of the work that we're doing with the Rebuild Lahaina Plan. So, I just want to make that clear. And we...and when we come up to very specific instances where maybe Front Street didn't work exactly the way we want, because all these rules make people do things sort of in a funky way, we're jumping into those specific instances, and we're going to do things like move the

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

sidewalk a little bit, bump it out just so that the delivery truck doesn't run into this awning in the future.

COUNCILMEMBER JOHNSON: Um-hum.

MR. SMITH: That...that's the kind of thing that we're working on. I mean, we're at that granular level of detail for all of these owners from one end of Front Street to the other. So, I just...there is this comprehensive effort that's underway through the Rebuild Lahaina Plan. And I just...and that's why I'm here. I just want you folks to understand that that work is going on. And so, we...we think that the way that this bill's working is not going to be in conflict because we can work through these issues on the ground.

COUNCILMEMBER JOHNSON: All right. I really appreciate that. You know, you can just feel...I mention Lahaina, you know, you can feel how much hotter it's become. Like when we talk about the rebuild, the concrete is such a heat absorber. The...I think that the...the trees will help make it not so hot. And I think the...the way we build our pavements in a way that accommodates the trees, and the awnings, and the maintenance of both, you know, I think it's a yes and. Like yes, we can do both things and make it beautiful and build back in a smart... The...post-fire, everyone wanted to talk about the Banyan Tree. I mean, trees are a part of, you know, community. They...they really do bring people together, the Banyan Tree being one of the most famous ones. But I...I...I'm glad that the Department is considering all...all things on the table to build back, you know, in a better way. So, thanks for that response. Thank you, Chair.

CHAIR COOK: Thank you. Now, Member Paltin?

COUNCILMEMBER PALTIN: My question is about the awnings being able to come back if they were legally constructed originally. Is this similar to--I think it was Bill 105 the other year, where the applicant or whomever had to prove that their thing was legally constructed prior to the fire, or how will that be determined?

CHAIR COOK: Is Director Molina on?

MR. SMITH: Yeah, I don't want to speak for Director Molina on this one. If he's still on.

COUNCILMEMBER PALTIN: Because pictures would say if they were there.

CHAIR COOK: Welcome, Director Molina.

COUNCILMEMBER PALTIN: It wouldn't say if it was legally constructed.

CHAIR COOK: Did you hear the...Member Paltin's question?

MR. MOLINA: If you don't mind repeating the question.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: Sure. I think the bill had said that buildings that had...previously to the fire had a legally constructed awning would be able to replace it. How are we determining who had a legally constructed awning prior to the fire?

CHAIR COOK: Director?

MR. MOLINA: Probably relying on the applicant and what they propose. And then we do have street view data from our systems that we would reference. And those rebuilds are going to be constrained to the parameters in the...in the proposed bill in front of you, as well as there's requirements on awnings in the Building Code as well.

COUNCILMEMBER PALTIN: So, the criteria is kind of photo documentation? Because I guess in Bill 105, a lot of people had stuff that may not have been legally constructed. You know, sometimes you go by the wharf, and you'd see a sandwich sign on the ground, and I'm not sure that was legally put there. So, just wanting to clarify what kind of criteria the applicant would need to meet to prove that they had a previously legally constructed awning.

CHAIR COOK: Director?

MR. MOLINA: I'd say we don't have that framework in place at that time, and likely would like we would ask OOR to provide guidance.

COUNCILMEMBER PALTIN: Before second reading or after? Doesn't matter...doesn't matter to you guys?

MR. MOLINA: I don't think we'll be able to get that clarity in advance of...or...or that it's necessary to delay the bill. I think we have enough documentation either within what we have, and online, and through the various planning efforts throughout the years to...to...you know, for purposes of what we're trying to accomplish with the rebuilds to be able to know enough.

COUNCILMEMBER PALTIN: Okay. I just like --

MR. MOLINA: Who's rebuilding an awning.

COUNCILMEMBER PALTIN: -- to check in with my resource, if that sounds acceptable to you, that they wouldn't have the criteria to . . .*(timer sounds)*. . . determine who had a legally constructed awning prior to second reading of this bill? You're still in support, and still want to move forward?

MR. KOCH: Yes. I think support the people . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Okay.

UNIDENTIFIED SPEAKER: Your mic.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: He said yes. Okay.

CHAIR COOK: Thank you.

COUNCILMEMBER PALTIN: I heard my bell.

CHAIR COOK: Thank you. Members, any further questions? Seeing none. Seeing...okay. Comment?

MS. DESJARDINS: Thank you, Chair. You know, I was just looking over the amendment summary form. And I'm looking at paragraph 4, and I see a couple of suggested just tweaks that I would put in there. It says any replacement encroachment. It should say any replacement overhead encroachment, just to be consistent with the other uses of that word throughout the bill. And then I think the word "that" is missing between encroachment and does not interfere. So, it should read any replacement overhead encroachment with less than 15 feet of clearance above the finished grade beneath the encroachment that does not interfere with public health and safety as determined by the Director. That seems to make more sense to me than the way that it's currently written. So, unless somebody knows why it was written that way, I would suggest just making those two tweaks. Thank you.

CHAIR COOK: Okay. Director Molina, did you hear that?

MR. MOLINA: Yeah. Thanks, Chair. We're in agreement. Thank you.

CHAIR COOK: Thank you. Staff, is that something that you could incorporate into? Okay. Any other comments or revisions? Corp. Counsel? Member Paltin?

COUNCILMEMBER PALTIN: Thank you. Since Ms. Desjardins brought that up, I was wondering if we could also add an amendment to prohibit the ground encroachments by aggressive cosmetic sales?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. DESJARDINS: Thank you, Chair.

COUNCILMEMBER PALTIN: Cosmetic sales.

MS. DESJARDINS: I...so, this...this bill doesn't involve that at all. I think that would be a separate bill, but I'm happy to talk to you about that offline. And I just want to make a quick comment about the legal...like the way to determine the legal awnings. I think leaving it the way that it is is important. Because as we go through this process, and because of these...the fact that some of these buildings are quite old, the way the criteria used to determine that may vary, depending on what's available. If it becomes an issue, I know Mr. Smith would let us know, and we would definitely come back and try to amend that if it became a problem.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

COUNCILMEMBER PALTIN: So, you're saying we couldn't just add something that said like with exclusively overhead...replacement of exclusively overhead encroachments?

MS. DESJARDINS: So, it already means that, so you don't have to worry. This only applies to legally constructed replacement overhead encroachments, and that's why Mr. Hopper suggested the overhead because it really only applies to that. And things that are on the sidewalk are...are probably not legal anyways because there isn't any law that I can pinpoint that allows somebody to block the sidewalk with a marquee or a sign. So, that would be, again, a totally different enforcement mechanism. This only has to do with overhead encroachments. And...and just for the record too, it isn't limited just to Lahaina. It would apply to any historic Maui's...Maui County's treasured towns that are damaged, you know, by...under some sort of a disaster under a declaration of HRS 127A. So, it's not just Lahaina Town. Thank you.

COUNCILMEMBER PALTIN: Okay. Lucky thing Jasee Law's not here.

CHAIR COOK: Okay. Members, are there any other clarifying questions? Okay. So...okay. Seeing there's no further discussion, we'll move on to decision-making. Now the Chair would like to entertain a motion to recommend passage of Bill 156 on first reading.

VICE-CHAIR SUGIMURA: So move.

CHAIR COOK: Moved by Member Sugimura, seconded by Nohe U'u-Hodgins, to recommend passage of Bill 156 (2025), on first reading. Members, any discussion before I move on to my amendment summary form? Seeing none. Members, your Chair would like to entertain a motion to substitute Bill 156 (2025), with the proposed CD1 version incorporating the amendments referenced in the ASF's description.

VICE-CHAIR SUGIMURA: So move.

CHAIR COOK: Moved by Member Sugimura, seconded by Member Paltin, to substitute Bill 156 with the proposed CD1 version. Members, this ASF replaces the...replaces the term "replacement encroachment" with "replaced [sic] overhead encroachment," and clarifies that the definition applies only to a structure located partially or wholly over a public right-of-way, including an awning, canopy, marquee, or sign. In proposed Code Section 12.52.050, the phrase "to an extent of more than 50 percent of its replacement costs" is removed, and makes conforming amendments. Removes language about zoning or other violations, incorporates nonsubstantive revisions, is approved by Corporation Counsel. Is there any further discussion? Member Paltin?

COUNCILMEMBER PALTIN: I move to amend the substitution by the amendments stated by the First Deputy.

CHAIR COOK: Agreed.

VICE-CHAIR SUGIMURA: Second.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: Okay.

COUNCILMEMBER PALTIN: Just clarifying that Staff knows what they are because I couldn't recite them word for word.

CHAIR COOK: Okay. Okay. Seeing no...no further discussion, all those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR COOK: And those opposed...

MR. HURDLE: Chair, that's six "ayes," zero "noes," with Members Rawlins-Fernandez, Kama, and Lee excused. The motion passes.

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Sinenci, and U'u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama, Lee, and Rawlins-Fernandez.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR COOK: Thank you, Members. Now we're back to the main motion as amended. Any further discussion?

COUNCILMEMBER PALTIN: Oh. Maybe we're back to the substitution because I amended the substitution with Ms. DesJardins' amendments.

CHAIR COOK: So...

UNIDENTIFIED SPEAKER: Yeah.

CHAIR COOK: Okay.

COUNCILMEMBER PALTIN: Substitution and then main motion as substituted.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CHAIR COOK: Okay. So, all those in agreement with the substitution?

COUNCILMEMBERS: Aye.

MR. HURDLE: Chair, that's six "ayes," zero "noes," Members Rawlins-Fernandez, Lee, and Kama excused. Motion passes.

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Sinenci, and U'u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama, Lee, and Rawlins-Fernandez.

MOTION CARRIED.

ACTION: APPROVE substitution.

MR. HURDLE: Back to the main motion.

CHAIR COOK: Thank you, Members. Now we're back to the main motion as substituted. Any further discussion? Seeing no further discussion. All in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR COOK: I think Member Johnson's frozen.

MR. HURDLE: Oh. So that's six "ayes," zero "noes," with Members Rawlins-Fernandez, Lee, and Kama excused. The motion passes.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama, Lee, and Rawlins-Fernandez.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 156, CD1 (2025).

CHAIR COOK: Thank you, Members. This item will move on for full Council’s consideration. Members, this concludes today’s Water and Infrastructure Committee meeting. Thank you, everyone, for being here for a great meeting. The time is now 3:25, and this meeting is now adjourned. . . .*(gavel)*. . .

ADJOURN: 3:25 p.m.

wai:min:251021min:ds

Transcribed by: Daniel Schoenbeck

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

October 21, 2025

CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 43 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 14th day of November 2025, in Wailuku, Hawai'i



Daniel Schoenbeck