

# Council of the County of Maui

## A G E N D A

Regular Meeting of November 19, 2021

9:00 AM

**Meeting Site:**

Online Only via BlueJeans link <https://maui.bluejeans.com/295235670>

**Remote Testimony Sites:**

None.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and  
livestreamed on <https://mauicounty.legistar.com>

website: [www.co.maui.hi.us/Archive.aspx?AMID=226](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

Individuals may provide oral testimony by phone or video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link: <https://maui.bluejeans.com/295235670>.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. They will be able to view the remainder of the meeting on Akaku Channel 53 or on <https://mauicounty.legistar.com/>. Individuals may be disconnected from the meeting for breaking decorum.

If the connection between any testifier and the video conference is lost, the meeting will still continue. Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk (808-270-7748) prior to the meeting.

If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

**A. ROLL CALL**

**B. OPENING REMARKS:**

**COUNCILMEMBER TASHA KAMA**

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

Reso "RECOGNIZING NOVEMBER 2021 AS FAMILY COURT AWARENESS MONTH IN MAUI COUNTY"

Reso "RECOGNIZING HUNGER AND HOMELESSNESS AWARENESS WEEK"

NOVEMBER 13-21, 2021"

**F. SET THE CONSENT CALENDAR**

**G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY**

**H. MINUTES:**

[M-210903](#) Regular Meeting of September 3, 2021

**I. ACTION ON THE CONSENT CALENDAR**

**COUNTY COMMUNICATIONS:**

[CC 21-520](#) DIRECTOR OF FINANCE, transmitting 88 contracts/grants for the month of September 2021.

[CC 21-521](#) PLANNING DIRECTOR, transmitting a copy of the intent to commit letter of the grant-in-aid award from the State of Hawaii Office of Planning for the Coastal Zone Management Grant in the amount of \$454,605.

[CC 21-522](#) ACTING CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Focus on Domestic Violence and Sexual Assault in our Community grant for the period of June 1, 2021 to May 31, 2022 in the amount of \$109,946, which includes \$27,487 in matching funds.

[CC 21-523](#) ACTING CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Statewide Multi-Jurisdictional Drug Task Force grant in the amount of \$54,927.

[CC 21-524](#) ACTING CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Laboratory Accreditation and Technological Improvements grant in the amount of \$51,353.

[CC 21-525](#) ACTING CHIEF OF POLICE, transmitting a copy of the grant modification from the Office of National Drug Control Policy for the 2021 High Intensity Drug Trafficking Areas grant to increase the budget by \$45,000.

[CC 21-526](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending October 2021.

**J. COUNTY COMMUNICATIONS:**

[CC 21-527](#) COUNCILMEMBER PALTIN, relating to a Councilmember's report on a free "Halloween Drive-Thru Adventure" event held on October 31, 2021.

[CC 21-528](#) COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".

- [CC 21-529](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting proposed amendments to Bill 118 (2021) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY DEDICATED AS 'ĀINA KŪPUNA".
- [CC 21-530](#) PRESIDING OFFICER PRO TEMPORE KAMA, transmitting a proposed resolution entitled "URGING THE MAYOR AND THE DEPARTMENT OF WATER SUPPLY TO PRIORITIZE THE DEVELOPMENT OF NEW WATER SOURCES".
- [CC 21-531](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE, (HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))".
- [CC 21-532](#) MAYOR, transmitting a proposed resolution entitled "REMOVAL OF ERIC CUOMO FROM THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI".
- [CC 21-533](#) COUNCILMEMBER SUGIMURA, relating to access easements for Waialele Ridge, Napili, Maui, Hawaii.
- [CC 21-534](#) COUNCILMEMBER SINENCI, transmitting a proposed resolution entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS AND THE MAUI COUNTY CULTURAL RESOURCES COMMISSION PROPOSED BILLS RELATING TO CULTURAL OVERLAY DISTRICTS".

## **2. GENERAL COMMUNICATIONS:**

NONE.

## **K. COMMITTEE REPORTS:**

### **Affordable Housing Committee**

- [CR 21-117](#) Recommending **ADOPTION** of resolution establishing a right to housing for Maui County residents.
- [CR 21-118](#) Recommending **ADOPTION** of resolution to authorize the Director of Housing and Human Concerns to incorporate a marketing plan into the Residential Workforce Housing Agreement for the Hale Kaiola Project located in Kihei, Maui, Hawai'i.

### **Agriculture and Public Trust Committee**

- [CR 21-119](#) Recommending the following:
1. **FIRST READING** of bill to amend Section 14.12.030, Maui County Code,

exempting development by Department of Hawaiian Home Lands from the Water Availability Policy; and

2. **FILING** of communication.

### **Budget, Finance, and Economic Development Committee**

#### **CR 21-120**

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2022 Budget by: 1) increasing Bond/Lapsed Bond revenues by \$4,020,000; 2) amending Section 4.I.2.a., Department of Water Supply, Wailuku-Kahului Community Plan Area, Water Supply, by adding “3. Bond Fund” and a project entitled “Acquisition of 1888 Wili Pa Loop Building and Property” in the amount of \$4,020,000; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2022 Budget, Appendix C, Capital Improvement Projects, by adding a project and project description under the Department of Water Supply, Wailuku-Kahului Community Plan Area, for the Acquisition of 1888 Wili Pa Loop Building and Property in the amount of \$4,020,000;
3. **FIRST READING** of bill to amend the Fiscal Year 2022 general obligation bond authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area, Water Supply, for a project entitled “Acquisition of 1888 Wili Pa Loop Building and Property,” in the amount of \$4,020,000, under the Department of Water Supply; and
4. **ADOPTION** of resolution to authorize the acquisition of 29,712 square feet identified as tax map key (2) 3-4-020-049, situated at Wailuku, Maui, Hawaii, for an amount not to exceed \$4,000,000, plus customary expenses.

#### **CR 21-121**

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2022 Budget by: 1) increasing Carryover/Savings revenue from the Sewer Fund in the amount of \$250,000; 2) amending Section 4.A.4.c, Department of Environmental Management, Wailuku-Kahului Community Plan Area, Sewer, Sewer Fund, by adding a project entitled “Kahului and Waiehu Beach Road Sewer Line Upgrade” in the amount of \$250,000; and 3) adjusting the totals accordingly; and
2. **FIRST READING** of bill to amend the Fiscal Year 2022 Budget, Appendix C, Capital Improvement Projects, by adding a project and project description under the Department of Environmental Management, Wailuku-Kahului Community Plan Area, for the Kahului and Waiehu Beach Road Sewer Line Upgrade in the amount of \$250,000.

### **Government Relations, Ethics, and Transparency Committee**

[CR 21-122](#) Recommending **ADOPTION** of resolution approving the appointment of Mercedes-Nicole Ritte to the Commission on Children and Youth, for a term expiring on March 31, 2025.

[CR 21-123](#) Recommending **ADOPTION** of resolution approving the appointment of Arnold Wunder to the Civil Service Commission, for a term expiring on March 31, 2024.

[CR 21-124](#) Recommending **ADOPTION** of resolution approving the appointments of Mahina Poepoe (Moloka'i), for a term expiring on March 31, 2023; Benjamin Ostrander (Lāna'i), for a term expiring on March 31, 2024; and Samuel Akoi IV (East Maui Community Plan Area), for a term expiring on March 31, 2022, to the Conservation Planning Committee.

[CR 21-125](#) Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill to establish criminal offenses of unlawful chop-shop activity;
2. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill relating to highway improvements in the County of Maui;
3. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill to incorporate Kalaupapa Settlement into Maui County;
4. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill to lower the size threshold for home construction that is considered "development" under the Coastal Zone Management Act;
5. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill relating to the use of intoxicants while operating a vehicle;
6. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill to establish a green fee surcharge on transient accommodations;
7. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill to assess a climate change mitigation impact fee for tourism-related vehicles;
8. **ADOPTION** of resolution approving for inclusion in the 2022 Maui County Council Legislative Package a State bill relating to transient accommodations hosting platforms; and
9. **FILING** of correspondence relating to County regulation of noise nuisances stricter than Department of Health rules.

**Human Concerns and Parks Committee**

[CR 21-126](#) Recommending **FILING** of communication relating to Commercial Ocean Recreational Activity permits and other commercial activity at County beach parks.

[CR 21-127](#) Recommending **FILING** of communication relating to Commercial Ocean Recreational Activity permit management and administrative rules.

**Infrastructure and Transportation Committee**

[CR 21-128](#) Recommending **FILING** of communication relating to traffic signage and other improvements at the intersection of Haiku Road and Kokomo Road.

**Planning and Sustainable Land Use Committee**

[CR 21-129](#) Recommending the following:

1. **FIRST READING** of bill to adopt digital zoning map (3) as the official zoning map for the island of Maui;
2. **RECORDATION** of First Amendment to Unilateral Agreement; and
3. **FILING** of communication.

[CR 21-130](#) Recommending the following:

1. **FIRST READING** of bill to establish Chapter 19.98, Maui County Code, declaring a moratorium on new transient accommodations on Maui; and
2. **FILING** of communications.

**L. RESOLUTIONS:**

**NONE.**

**M. ORDINANCES - SECOND AND FINAL READING:**

[Bill 118 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY DEDICATED AS 'ĀINA KŪPUNA"

[Bill 119 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO COUNCIL SERVICES STAFF SALARIES"

[Bill 120 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, BOND FUND, WAIALE ROAD EXTENSION; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

- [Bill 121](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, WAIALE ROAD EXTENSION"
- [Bill 122](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS - WAIALE ROAD EXTENSION)"
- [Bill 123](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND, COUNTYWIDE FEDERAL AID PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 124](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS, FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS"
- [Bill 125](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM"
- [Bill 126](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS - COUNTYWIDE FEDERAL AID PROGRAM)"
- [Bill 127](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE - WAIALE LAND ACQUISITION)"
- [Bill 128](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER PROJECTS, BOND FUND, WAIALE LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 129](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIALE LAND ACQUISITION"
- [Bill 130](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS

(DEPARTMENT OF FINANCE - WAIALE LAND ACQUISITION)"

- [Bill 131](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO NAME THE GLENN H. OTANI BASEBALL FIELD (KULA) AND THE GLENN H. OTANI SCOREBOOTH (WAILUKU)"
- [Bill 132](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA'I"
- [Bill 133](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOME PERMITS AND SHORT-TERM RENTAL HOME PERMITS"
- [Bill 134](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.39, MAUI COUNTY CODE, RELATING TO THE WAILUKU REDEVELOPMENT AREA, AND TO AMEND CHAPTER 19.520, MAUI COUNTY CODE, RELATING TO VARIANCES IN THE WAILUKU REDEVELOPMENT AREA"
- [Bill 135](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS"
- [Bill 136](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT"
- [Bill 137](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032"
- [Bill 138](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032"
- [Bill 139](#)  
[\(2021\)](#) "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032"

**N. UNFINISHED BUSINESS:**

**NONE.**

**"BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.**

**ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.**

**THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.**

**ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR COUNTY.CLERK@MAUICOUNTY.US.**