

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

January 19, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JANUARY 19, 2018, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui will please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, nine Members are present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning, we have remarks from Member Hokama.

OPENING REMARKS

The opening remarks were offered by Councilmember Riki Hokama.

CHAIR WHITE: Thank you, Mr. Hokama.

Members and the audience, will you please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you.

Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chair, proceeding with presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda. And pursuant to the rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested.

And when testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please introduce yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have 12 individuals who have signed up to provide testimony in the chamber this morning. The first person to provide testimony is Dan Blessing, testifying on County Communication 18-33. To be followed by Mark Deakos.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. DAN BLESSING (testifying on County Communication No. 18-33):

Good morning, Council. I want to thank you for the opportunity to speak to you today. I would also like to take just a minute to thank Chairman White, his staff, Elle Cochran, and Mr. Guzman for the time that you've put in the last few weeks regarding the Lahaina bypass situation.

I am a business owner, again, my name is Dan Blessing, on the Keawe Street area. I am also the author and producer of the petition that is currently online to stop Hawaii DOT. I believe each one of you have been presented with a copy of that. It was delivered by U.S. mail late last week. You should be in possession of that, along with the signature list. At that time, there were approximately 1360 signatures in support of the petition. I can report to you today that that number is approaching 1700. The petition continues to be available online. It can be seen at protectlahaina.com.

I could come in today and talk about the list of issues and problems that this situation and the Lahaina bypass is going to create. But I know that most of you are aware of it. You've been informed. We're not going to go through the long list. If I were to pick out a couple things that I would probably bring to the attention of people, it would be those things that most people are not aware of. I could briefly talk about the stoplights that are going to be added to the bypass. Most people like to think of the bypass right now as, well, it's going to be a nice easy flow. No, there's going to be intersections with stoplights that's going to slow the traffic further.

I could also talk about the traffic that the DOT has announced, approximately 30 percent they're going to try to peel off so it does not fall on Keawe Street. And, a lot of that is going to go into Lahainaluna, where daily you have hundreds of parents already dealing with major traffic issues taking their kids to school. And DOT's plan is to put signs trying to direct people off of the bypass and have them avoid Keawe to dump more in Lahainaluna. So, if you think you're getting protests now, just wait until the hundreds of parents are going to be dealing with this additional traffic in a number of weeks.

And, the third issue that I would probably bring up if I was going to discuss it; we have focused on the bypass, we have focused on the problems for the Lahaina Gateway and the Industrial Park. But, it dawned on me last week that we've had very little discussion about the businesses south of Keawe, on the highway. I met with a couple last week, they had no idea this was going to occur. They're going to lose 70 percent of their traffic that they've had for decades. They were shocked and they could not believe that. It's going to devastate their business as well. So, this is not just an affect that's going to occur on a Keawe Street area; it's also south of there.

Two things I'm going to say, right to my point. Number one, please be sober-minded about this situation. This is very real, and you're going to, I'll stop; few more words.

CHAIR WHITE: Thank you very much for being here this morning, Mr. Blessing.

MR. BLESSING: Thank you.

CHAIR WHITE: Members, any need for clarification? Seeing none, thanks for coming.

Mr. Clerk.

COUNTY CLERK: Next testifier is Mark Deakos, testifying on County Communication 18-33.
To be followed by Mike Wilkin.

MR. MARK DEAKOS (testifying on County Communication No. 18-33):

Chair, Chair, Councilmembers. I'm Mark Deakos from Napili, and I support Councilmember Guzman's resolution to suspend the Honoapiilani Highway connection at Keawe Street until the traffic concerns are resolved.

Now, that being said, I want to encourage everyone of us who's opposed or deeply concerned about realigning the highway from Lahaina to the Pali to understand the reality of our situation. Everyone should visit the Hawaii Sea Level Rise Viewer at

pacioos.hawaii.edu. That's P-A-C-I-O-O-S dot Hawaii dot edu. You'll see a map viewer. Choose Maui. Click on the Flooded Highways checkbox, and then select one of four sea level rise predictions. One foot is anticipated by 2050, three to six feet by the end of the century. You'll see a blue line highlighting which parts of the existing highway will be underwater under those conditions. What is very clear is that most of the entire highway from Lahaina to the Pali will be under water in the next 30 years.

If we insist on keeping this highway, then we have one option, and that's holding the line with seawalls. Not three-foot seawalls where waves crash over like we see at Ukumehame, but eight to ten-foot seawalls that protect the motorists. So, what happens to your beach and coastal access with ten-foot seawalls? You give that up essentially. So, those who absolutely refuse to give up the current highway need to understand this, and Hawaii Department of Transportation needs to do a much better job at explaining this.

The alternative is retreat, realign mauka of the highway. The fears of doing this are legitimate; coast, losing coastal access and development on the makai side. However, what most people don't know is that almost all the lands occurring makai of the realigned highway from the Pali to Puamana are County and State owned and designated open space and park, for exactly that purpose, to provide coastal access to everyone in perpetuity. This is what is known as the Pali to Puamana Parkway Plan, and the County probably needs to do a better job at explaining that to the public.

So, if you want to preserve your beach's coastal access from Pali to Puamana for fishing, snorkeling, diving, cultural practices, if you want to access your favorite surf spots without crossing a busy highway with your surfboard, if you don't want waves crashing over your car when you're commuting back and forth, if you want more parks, camping areas for everyone forever, then you should support the realignment from the Pali to Puamana.

Refusing to retreat leaves only one option, and that's choosing to hold the line with coastal armoring which gives up the beach. And we've done that over the past 30 years in Lahaina, Wahikuli, Kaanapali, Kahana and Napili, where the beaches have disappeared. Thank you.

CHAIR WHITE: Thank you very much for being here this morning, Mr. Deakos.

Members, any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Thank you. Thank you for being here, Mark. I just wanted to ask if you could transmit that testimony to the MPO. Because that's one of the big concerns that the, the Metropolitan Planning Organization has been working on as well; the realignment issue.

MR. DEAKOS: Yup, I will.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, thank you, Dr. Deakos for being here this morning. So, you are in favor of the road realignment as presented by the State DOT currently?

MR. DEAKOS: I understand the traffic concerns, so I'll leave that to the traffic engineers. But, I think there's a big misconception about the realignment as a whole. So, I support the resolution to have a temporary hold until they figure out what exactly is happening on, on Keawe Street with the traffic. I, I go there a lot, I understand that's going to be problematic, so I support the temporary hold. But, I know there's a lot of talk about keeping the main highway. And this, this realignment is just going to, you know, it's for big developers to develop makai side, and we'll lose access, and lose all that. So, just want to make people aware that keeping that current highway is not an option unless you're okay with the seawalls.

CHAIR WHITE: Thank you very much for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Mike Wilkin, testifying on County Communication 18-33. To be followed by Katie Folio.

MR. MIKE WILKIN (testifying on County Communication No. 18-33):

Aloha, Mr. Chair and Councilmembers. I appreciate the opportunity to come here. I guess what I'd like to do is echo what Dan talked about with the, the Keawe issue. I happen to live in Hoonanea, which is most of you know right across the street from the Gateway. And, it's already pretty much impossible now to take a left.

So, my testimony is to support the resolution to, to hold and take another look at what's going on there. It's not just a matter of traffic. It's really going to create a dangerous situation. Right now there's no lights, as you know. There's no crosswalk. You know, I, I have seen people almost get hit crossing the street. So, it's going to create a real, I think dangerous situation.

So, there's a saying I have gone by for years, which is it's easy to mow hay from a thousand miles away, but it's different if you're on the tractor. So, what I'd like to present is for everybody to take a step back and pretend that you're on the tractor, that you're actually either have businesses on the Gateway, or you're living in Hoonanea, or the Business Park, and you're trying to get out of there in a safe manner. So, I appreciate this. Again, I think stopping this and taking the view of really, really seeing if it was you that lived in Hoonanea; what would you do? What would you want to have happen? And, I think it would be a different situation. Thank you.

CHAIR WHITE: Thank you for being here this morning, Mr. Wilkin.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Members, any need--

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Oh, Mr. Wilkin.

COUNCILMEMBER COCHRAN: Chair, I have a question.

CHAIR WHITE: Mr. Wilkin.

COUNCILMEMBER COCHRAN: Sorry, sir.

CHAIR WHITE: Ms. Cochran has a question for you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea. Thank you, Chair. And, thank you for coming all this way from Hoonanea. And so, sharing all your concerns that you stated, I know that's just a brief synopsis.

MR. WILKIN: Correct.

COUNCILMEMBER COCHRAN: Have you pursued speaking to Public Works, or Maui Police Department, or any powers that be that may address those?

MR. WILKIN: We, we've, I have had some fellow board members pursue, you know, avenues. You know, I don't have the exact methodology of what they have done or haven't done. So, I'm not really speaking as a, on behalf of the board, even though I'm the President of the Board of Hoonanea. I'm just speaking on behalf of myself as a resident, and as a concerned citizen of Lahaina. So, anything that you could suggest that we would need to do.

I know Dan was kind enough to give me his card, so we could go onto that website. I, I just know there, you have a boatload of people that are just really, now that it's coming to fruition, I think now it's, it's the reality staring everybody in the face and they're just scared. We just don't know what's going to happen.

CHAIR WHITE: Thank you.

MR. WILKIN: Is that it?

CHAIR WHITE: Thank you for being here this morning.

MR. WILKIN: Okay.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Katie Folio, Coalition Coordinator, Coalition for a Tobacco-Free Hawaii, on behalf of the Hawaii Public Health Institute, testifying on Committee Report 18-9.

MS. KATIE FOLIO, COALITION FOR A TOBACCO-FREE HAWAII (testifying on Committee Report 18-9):

Aloha, Chair White and Honorable Members of the Council.

CHAIR WHITE: Good morning.

MS. FOLIO: My name is Katie Folio. I'm submitting this testimony on behalf of the Maui, Molokai, and Lanai Coalition for a Tobacco-Free Hawaii, a program of the Hawaii Public Health Institute, in strong support of CR 18-9, which would prohibit smoking in vehicles when persons under the age of 18 are present.

We are a non-profit organization working to create a healthy Hawaii through comprehensive tobacco prevention and control efforts in order to reduce tobacco use in the State of Hawaii. The Coalition and its many partners strongly support this measure as a positive step towards protecting the keiki of Maui County.

I would like to sincerely thank the Policy, Economic Development, and Agriculture Committee, and all of you as its Members, for passing PEA-41 through Committee, and for the work you did during that meeting to make the proposed bill even stronger. I now ask that you please continue to support this bill and pass it through the first reading today, because the keiki of Maui County are still counting on you to protect them from exposure to second-hand smoke in vehicles.

The dangers of exposure to second-hand smoke are well-documented by scientists, and health authorities around the world agree that there is no risk-free level of exposure to second-hand smoke, even brief exposure can cause immediate harm. The only way to fully protect non-smokers and children from harm is to eliminate smoking in enclosed areas, including vehicles.

Unfortunately, most smoking laws that help protect the public from second-hand smoke fail to protect children in the two settings where they are most vulnerable; in their homes and in private vehicles. Leading medical associations including the American Academy of Pediatrics and major health advocacy organizations, including the American Lung Association, have concluded that public policies are needed to protect non-smokers, particularly children and youth, from exposure to tobacco smoke in vehicles.

In addition, a recent study found that "Smoking in vehicles also appears at higher rates among socioeconomically disadvantaged populations, and thus may contribute to inequalities and second-hand smoke attributable health outcomes."

One concern sometimes raised is that measures such as these infringe on personal rights. However, smokers are not recognized as a specially protected group under our constitution and there is no constitutional right to smoke. The right to health, however, is recognized by the World Health Organization. Kids have the right to breathe clean air. Unfortunately, we need laws like this one to protect that right.

Eighty-three percent of Maui County's residents support a law that would prohibit smoking in vehicles when a minor is present. It's time Maui County join the rest of the State and put these protections into place for our keiki.

Finally, please don't forget that smoking remains the number one cause of preventable disease, disability, and premature death in the world. The tobacco industry would like

you to forget that tobacco kills more Americans every year than alcohol, car accidents, suicide, AIDS, homicide, and illegal drugs combined.

So, please pass CR 18-9 through its first reading today to prohibit smoking and the use of electronic cigarettes in motor vehicles when a minor is present. Mahalo nui loa.

CHAIR WHITE: Thank you, Ms. Folio.

Members, any need for clarification?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for being here. And, I just wanted to recognize your hard work that you have given the community to push this item through. And, and also to thank you for bringing out all these Kamehameha students. There are 60 of them who are sitting in the audience, so thank you very much.

MS. FOLIO: Thank you. And, thank you kids as well for coming.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Jaedon Galicinao, student, Kamehameha Schools Maui. To be followed by Hezekiah Kapua`ala.

MR. JAEDON GALICINAO, KAMEHAMEHA SCHOOLS MAUI (testifying on Committee Report 18-9):

Aloha, Members on the Council. I am Jaedon Galicinao, and I thank you for this opportunity to submit a testimony in support of CR 18-9, which will be prohibiting smoking in vehicles with persons under the age of 18 that are present in the vehicle.

I support this because I have family members that, I have family members that smoke cigarettes and vape. And, some of the effects of smoking and vaping are second-hand smoke and thirdhand smoke. Exposure to second-hand smoke can cause eye, nose, and throat irritation. It can also cause headaches, dizziness, nausea, coughing and wheezing. Second-hand smoke can worsen symptoms in people with allergies and asthma. Long-term exposure to smoking or vaping will lead to heart disease and cancer.

Not only is it hazardous and harmful to adults, young teens and children, but as well as a distraction, as a distraction for the driver in the car behind them. For example,

say there's an adult smoking or vaping in a car, and behind that car is a family with a car with a broken air-condition, so they have to use the air outside. Although the air outside may be clean, the person in front smoking may blow the smoke or vapor out into the air outside, then leading into the family's car. What can we do if there is no, there's no, if there's no children in that other vehicle? Thank you.

CHAIR WHITE: Thank you for coming this morning.

Members, any need for clarification?

COUNCILMEMBER KING: I just have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. And, thank you for coming all this, I think it's very telling that the actual people who are most subject to, that we're trying to protect with this bill are coming out and speaking in favor of it, so thank you. I just wanted to ask you, cause I'm assuming not all of the students here are going to get up and testify, but how many in this room are, are represented by this testimony? Just raise your hand, if there's students. Okay. Thank you.

CHAIR WHITE: So, I think that's all of them.

MR. GALICINAO: Thank you.

CHAIR WHITE: Thank you, Mr. Galicinao.

COUNCILMEMBER KING: Thank you very much.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier Hezekiah Kapua`ala, student, Kamehameha Schools Maui, testifying on Committee Report 18-9.

MR. HEZEKIAH KAPUA`ALA (testifying on Committee Report 18-9):

Aloha, County Council. My name is Hezekiah Kapua`ala and I am in strong support of the CR 18-9, which prohibits smoking in the car while minors are present.

And, I think this bill is a great idea so that childrens and teens, such as us, don't have to suffer from second-hand smoking. In the future I don't want to be a smoker because

I know of the harmful effects it can have upon your body. But, I know these adults that do smoke, however. Luckily, they don't smoke in a car, but they do smoke outside. And, luckily we're not, me and my sisters aren't around when they do smoke, but we don't inhale the smoke, but we do smell the lingering smell of a smoked cigarette and that's still bad for you.

This worries me, because my family, my ancestors in the past has suffered from cancer, heart attack, and this could raise our chances of getting these kind of things. And, I didn't know if they were smokers, but it can still rise the chances of kids, teens, of getting cancer, heart problems with their body.

And, I hope the County Council will pass this bill so kids like me don't have to suffer from second-hand smoking. Thank you.

CHAIR WHITE: Thank you very much for being here this morning.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want to thank Hezekiah is my grandnephew. I'm so proud of you. Thank you very much for testifying. Thank you.

MR. KAPUA`ALA: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Breeana Anguay, student, Kamehameha Schools Maui.

MS. BREEANA ANGUAY, KAMEHAMEHA SCHOOLS MAUI (testifying on Committee Report 18-9):

Aloha, Councilmembers. My name is Breeana Anguay, and I'm here representing Kamehameha Schools Maui. I am in strong support for CR 18-9, prohibiting smoking in vehicles when persons under the age of 18 are present.

I strongly support CR 18-9. Smoking in vehicles is not only dangerous for the driver and the minors who are in the car, but it can also be dangerous for other people who will be travelling on the road. If, if you are smoking in the car with the windows up, and the smoke can get trapped in the car, it can cause the driver to lose their vision. It can cause a car accident, which is five times more harmful and can cause more to you and that minor.

Also, about every year 5,000 kids under the age of 18 die every year from second-hand smoke. Second-hand smoke causes numerous health problems in infants and children, including more frequent and severe asthma attacks, respiratory infections, ear infections, and sudden death syndrome. Minors' lungs are more smaller and still developing than other adults' lungs. It's easier for the adult to inhale the smoke and not to get hurt by it. But children, on the other hand, have smaller lungs and won't take this, and can get hurt from the smoke easier.

Us kids are the future generation of our community. The kids in the community shouldn't have to pay for the price of getting asthma, infections, or even death just because someone in their family chooses to make the wrong decision.

People say that vaping shouldn't be a part of this bill, but I disagree with that. My reason for it to be a part of it is because most contain a chemical called nicotine, which is very addictive. The nicotine in the vape can be, can harm the developing brains of kids, and could affect memory loss and attention. It's not only nicotine that can be in the liquid of the vape, but there's other chemicals such as formaldehyde often used in building materials, and other ingredients used in antifreeze that can cause cancer. But, as I was saying, smoking can cause visual distractions for all people on the road.

We are the future generation. This is why I think that this bill should get passed. Thank you.

CHAIR WHITE: Thank you very much for your testimony this morning.

Members, any need for clarification? Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Logan English, student, Kamehameha Schools Maui, Committee Report 18-9.

MR. LOGAN ENGLISH, KAMEHAMEHA SCHOOLS MAUI (testifying on Committee Report 18-9):

Aloha, Maui County Councilmembers. Thank you for hearing all of our testimonies this morning. I'm here representing Kamehameha Schools, and I am strongly in support of Bill CR 18-9.

And, it's apparent to me, cause it's apparent to me that many of my peers in my school have been affected by this horrible issue. And, I feel that this bill offers a, would tackle it head on with a fine for whenever someone would be caught smoking in the car, which is a horrible thing to think of.

But, I think that the implementation of this bill could further stigmatize smoking. And, it could lower the smoking rates in youth our age, as well as improve the overall health of children in Maui County. And, I hope that you all can see the impact, the positive impact that this bill can do. Thank you very much.

CHAIR WHITE: Thank you for your testimony this morning.

Any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Elizabeth Noelani Kuhlmann, student, Kamehameha Schools Maui, Committee Report 18-9.

MS. ELIZABETH NOELANI KUHLMANN (testifying on Committee Report 18-9):

Aloha kakahiaka, Council. Aloha. I strongly support CR 18-9, because many children in our community suffer from this problem. Ever since I was little I was aware of the dangers of smoking. My grandfather used to smoke, and it took a large toll on his health. It is because of me and my little sister that he was inspired to stop smoking.

I strongly believe that, like me and my sister, the people of Hawaii can also inspire others to stop smoking while minors are present. I think that this law will dramatically improve the health of our County's children, and create a healthier Hawaii.

I hope that you will pass this bill so the keiki o ka `aina, the children of this beautiful land, and the generations afterward are protected from the dangers of second-hand smoke. Mahalo nui loa.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification? Seeing none, thank you very much for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Toni Antonette-Marie Kaililaau-Dizon, testifying on County Communication 18-33.

MS. ANTONETTE-MARIE KAILILAAU-DIZON (testifying on County Communication No. 18-33):

Aloha, Council. Aloha, Chair.

CHAIR WHITE: Aloha.

MS. KAILILAAU-DIZON: I'm here on behalf of being a concerned resident for CC 18-33, which I strongly support Councilman Guzman's not halting the development. We have entrusted engineers to the veins to Lahaina, the West Side, Kahalawai. We have entrusted them also the development in Kihei.

But, the 18-33 is really a major concern not only for us as adults, but these kids. You guys have to deal with Keawe. That junction there is, needs to be more attentive really. Safety is the priority in anything that we are being raised by. Safety is not being adjusted to the precautionary that needs to be adjusted there.

The congestion is not only research what braddah's been mentioning earlier. People that we entrusted to do the research, we're not denying the bypass, but do not change things because you guys have a \$200 million cost development. But, we're honored enough to know that we have someone of concern, and that's Councilman Guzman.

We're asking you Council people please put into consideration us residents, people that's visiting Maui, everyone that's in that vehicle that's going to Lahaina to and fro. The adjustments for the ocean, it will always come, because every year, I'm an agriculturalist, every year geographical changes happens. But, we need you to help us and asses what Councilman Guzman has. Please put it in consideration because of the safety number one, of the residents, safety of everyone that's in the vehicle, safety in everyone that's going to be in a crosswalk that's still not designed yet.

But, that congestion alone not only incurs a mass of delays of cars. The counts that they assessed of the, address the situation has not been developed until recently. And, the assessment of environment impact, it's not only the environment, it's the people that lives there. We have families from east side, we get families from mauka, Kula, we get families from Wailea that goes to Lahaina to work. We have students that goes on excursions to Lahaina to things that may be availability for you to learn.

Maybe a cultural, traditional, whatever, but there is something that needs to be done to reassess this 18-33 to be supported. Please do so. And, I thank you for your time, as a concerned citizen, but also my family had helped build the west side. I'm glad to say and proud to say that we helped build Maui; my parents, and my parents and my grandparents. So, we supported sugar, we supported pineapple, we're the survivors,

now we have our future. So, we're your future, you guys are our future, so that's why we're here. But, as a concerned citizen, I thank you. Chairman White, it's been a while, and Council, thank you.

CHAIR WHITE: Thank you, Ms. Dizon. Thank you for being here.

Members, any need for clarification? Seeing none, I appreciate your testimony this morning.

MS. KAILILAAU-DIZON: Mahalo.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Cody Tuivaiti, testifying on County Communication 18-33. To be followed by Tiare Lawrence.

MR. CODY TUIVAITI (testifying on County Communication No. 18-33):

Aloha. Mahalo for having me. And, I do want to say that I was unaware of the issue regarding the smoking. And, I do want to support what these kids are fighting for too as well.

But what I came here for was the realignment of Keawe Street. I took off of work to come here to represent our concerns. I'm speaking on behalf of myself as someone who commutes [*sic*] from Kaanapali to Kula Kai, Monday through Friday for work. I am in support of the injunction because all we want is our concerns to be heard for reasonable, manageable solutions.

There are many tourists, locals, and businesses that'll be deeply affected by this fast-paced change about to be pretty much forced down our throats. Forcing traffic onto the bypass will create gridlock at the light, while tourists who don't know any better will be the majority stuck in this gridlock. It will be the locals and the businesses that'll be using all the side roads and parking lots as shortcuts.

As for me, our business goes up Keawe Street. It takes a left right into that dirt road. And, from the first day that it started already, we already got calls from our higher-ups to take the, to take the road going into Lahaina Cannery Mall just so we can come in, come up going Keawe Street. And, that already shows me that this is, that's the beginning of what it's going to be. You're going to have gridlock on the, on the highway. You're going to have all the locals running around all the side roads, and all the businesses trying to meet their time quotas to get where they got to go.

More traffic in less populated areas, more accidents. The injunction will most likely trigger another EIS, which will probably take more time and money. I would rather spend my hardworking taxpaying dollars on a well thought out plan that requires an up to date EIS than rely on one that has been done 27 years ago. What does that say when a project is pushed through on the basis data that it was done 27 years ago? It shows the lack of respect and acknowledgement toward communities. And we demand and deserve better.

Let's bring our communities to the table in hopes of creating real solutions. We are the ones who live, work, commune *[sic]* in and out of Lahaina almost every day. The State has obviously not thought about what is to be affected by this change, but more so what is to be gained through time and money.

Although many things have been thought out, the one thing left out are the communities themselves. The issues and effects have more than one side to them, and that people deserve the right to be heard and addressed. Do not stamp this through. Step back, take a bigger look at the whole picture. We have time, don't rush this through. The State and many more, I mean, many people will be affected by this. So, I just want to say the injunction will allow us to be at the table to address our issues so we can figure out real solutions for this. So, mahalo.

CHAIR WHITE: Thank you for your testimony this morning.

Members, any need for clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you for being here. So, I'm trying to go back to where you said your business said to go through Lahaina Cannery. So, you're saying instead of coming from north heading south, and taking that dedicated left hand turn onto Keawe, they're telling you to reroute yourselves down through Front in through Cannery to shoot straight across?

(Councilmember King was excused from the meeting at 9:41 a.m.)

MR. TUIVAITI: Yes. And, that's because the first day that all they were doing was cutting the road. I mean, they was just gridlock already. And, I seen locals, all the locals doing it. All the cars that were in the line, that are in the line already were all, pretty much all tourists cars.

To me, it just, it looks like it's going to be just like that all the time. And not only that, we take the left turn to go into the dirt road, which is going to be non-existent. So, there's businesses on both sides that got to come in and out of there, and that's going to create havoc as well.

For our business, we require, we rely on time restraints. So, we got to be at there, up in these areas by a certain time. And, if we're not there, it pretty much puts the whole timeline of what we're trying to do pretty much back, so.

COUNCILMEMBER COCHRAN: Thank you.

MR. TUIVAITI: Okay.

CHAIR WHITE: Thank you for coming this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Tiare Lawrence, testifying on County Communication 18-33. To be followed by Albert Perez.

MS. TIARE LAWRENCE (testifying on County Communication No. 18-33):

Aloha, Councilmembers. Mahalo, Councilmember Guzman for putting that reso on today's agenda. I support it, but with some reservations. I want to state for the record that any delay could cost taxpayers up to \$200,000 a month. But, I do agree that there should be a brief timeout for more education and communication with the community.

(Councilmember King returned to the meeting at 9:42 a.m.)

MS. LAWRENCE: There's no doubt traffic will be a nightmare at Keawe Street. When you're going to Foodland Farms and you're trying to take a left turn onto the bypass, it's very dangerous with the four lanes. So, I think the reality is, is that the DOT needs to focus on full realignment now more than ever.

As you know, we filed an injunction; Archie Kalepa, myself, Frankie Caprioni, and Maui Tomorrow; against the DOT for coastal hardening projects in Olowalu, because for years our concerns with coastal hardening fell on deaf ears. You asked Dr. Mark Deakos if he supported the DOT current realignment plans, and I want to tell you that I do not support the realignment options at Mile Marker 14. We desperately need that road to move in back of Kapaiki Village, which would save the popular snorkeling beach

and make it safer for the residents and the families that live in the village to cross to the beach, or to get access to the beach.

Last year Malama Olowalu partnered up with Maui Tomorrow to create a proposed realignment plan. We presented it to MACZAC and to the MPO, and if possible, I would love the opportunity to present it to the County Council. I share the same sentiment that Dr. Mark Deakos presented earlier about the coastal highway remaining open because of coastal erosion concerns. And one of the main reasons why people wanted the bypass originally because it was very unsafe to cross the roads. Every day, people are running across the road with surfboards, and it's extremely unsafe.

We should see what happens when the gate is installed at Cut Mountain. We may want to consider keeping it open until the Kaanapali portion is complete. But, a few ideas that I want to throw out for you to consider is to pressure the DOT to change their current language in their emergency response. As it's, as it currently stands, coastal hardening is our only option. And, one of the ideas that were, that were brought up was getting Governor Ige to declare an emergency declaration. But, because the language in their response is coastal hardening projects, there's concerns and I know the DOT is working with their attorneys to figure out ways where the language will not affect what's going on, on Maui and on Oahu, because it's two different scenarios and issues.

And, I would really like it if you folks could get behind our proposed realignment plan because it utilizes current cane haul roads, it protects us from desecrating iwi kupuna in sensitive areas in Olowalu, and, and it'd just be beneficial for the overall general community. And it would, it would cost taxpayers less by getting behind this realignment plan. Mahalo.

CHAIR WHITE: Thank you, Ms. Lawrence.

Members, Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. Thank you, Ms. Lawrence. The realignment plan that you're referring to has, have you presented it so that we would have access to it?

MS. LAWRENCE: I can send you, send you it. We also have a presentation. And, we worked with Maui Tomorrow to create a map so you kind of get a sense of what we're proposing.

COUNCILMEMBER ATAY: Okay. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Ms. Lawrence for being here. So, can you elaborate a little bit more on the actual southern terminus. And your, you mentioned briefly the gate, so what, can you elaborate your support--

MS. LAWRENCE: Yea.

COUNCILMEMBER COCHRAN: --or not support, or ideas, solutions to that section.

MS. LAWRENCE: I think we should, you know, I'm, I'm, it's kind of hard because we don't know yet what the, how the traffic is going to be alleviated once the bypass is open.

But, there was some false information spreading around the community that coastal access would be cut off, and that's not the case. There is going to be connect, a connector road right before Cut Mountain that will give people the option to go up to the bypass. And, that road would still remain open for fishermen to be able to access Cut Mountain area.

COUNCILMEMBER COCHRAN: Okay. Thank you. Thank you, Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Tiare. So, I wanted, you know, that was a really good presentation you brought to the MPO. And, my understanding is that you were, you were aligning with the State in that, in that proposal.

MS. LAWRENCE: Yea.

COUNCILMEMBER KING: So, are you saying now that you're, the State is not supporting that realignment proposal?

MS. LAWRENCE: Well, the State has their own realignments that they've made over the years, and they haven't changed it yet. Yes, you know, Ford Fuchigami, and the DOT, they, they came out and supported our idea of it. But, they have to change the plans, and they have to change their response before they can get really behind our plan. You know, right now there's no plan to move the road at Mile Marker 14.

And, in between the current road and Kapaiki Village, there's a lot of documented historical sites. And in their plan is to kind of move the road inward, which could ultimately uncover iwi kupuna. And, we've seen it in Olowalu where at Camp Olowalu

recently, in the past few years where iwi kupuna have been discovered. So, my fear is that in that area it's not only going to impact the current sites, but iwi kupuna as well. And there is old cane haul roads that we can utilize to kind of limit the amount of desecration because it's already been impacted and used.

COUNCILMEMBER KING: Okay. And so, are you continuing to work with Ford Fuchigami? Because I know when he, you know, he stepped up to a different position in the Administration and I'm sure you're aware of that. We have a new DOT director about to be confirmed. But, he told the MPO on his last day that he would, he wanted to continue working with Malama Olowalu--

MS. LAWRENCE: Yes.

COUNCILMEMBER KING: --and Maui Tomorrow on this issue because he felt like you folks were moving in the same direction.

MS. LAWRENCE: Yes, and he's been great. You know, I know Maui Tomorrow met with him on Tuesday. We continue to have conversations with him. And, you know, I just think that this is an emergency situation and we really need to pressure the State to get it done. The full realignment should be of priority.

I do share a lot of the sentiment that came from the public about possible development. And, luckily, thank you to the Maui County Council for approving funds to purchase the 200 plus acres at Launiupoko to Cut Mountain. And then the County also purchased all of that land at Ukumehame. And, I would hope that the County would keep it in open space, especially considering SLR rates.

But, there's a lot of that concern in that area about future proposed developments. So, I just want to share with the public that we, we were able to save some lands for, I would hope that you guys would keep it open space and not, you know, support development in these areas.

COUNCILMEMBER KING: Okay. Well, that would, and I think it would be very helpful to share that proposal with the full Council. So, I appreciate that. Maybe you can work with our IEM Committee to make a presentation about that.

MS. LAWRENCE: Absolutely.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Any further need for clarification, Members? Seeing none, thank you for being here this morning.

MS. LAWRENCE: Mahalo.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Albert Perez, Executive Director, testifying on County Communication 18-33, on behalf of Maui Tomorrow Foundation. To be followed by Ben Bland.

CHAIR WHITE: Good morning.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION (testifying on County Communication 18-33):

Good morning, Chair White, Councilmembers. Albert Perez, Director of Maui Tomorrow Foundation, testifying on CR 18-33. We are in partial support of the proposed resolution, the part that calls for additional dialogue; we are not in support of the other parts for reasons that I'll explain.

So, it's very clear that the West Maui community has not been kept informed about the proposed changes at the intersection of Honoapiilani Highway and Keawe Street. But, I think that there are some misconceptions about the changes that are underway. I wanted to learn more so on, I met with DOT, and also Councilmember Elle Cochran on Tuesday in Honolulu. We met with Ford Fuchigami and Ed Sniffen, who's the Deputy Director of Highways. And, just, this is an attempt to understand the situation better.

Based on what I learned, looking at the traffic counts and their models and everything, the current project is not as bad as I had feared, especially if a few improvements are made. And, I have a list of those that I can share with the Council today or at a later time.

I do believe that they should call a timeout for more communication and education, especially with regard to cultural concerns, which I know there are many. But, I don't support the part that calls for keeping the existing coastal highway as a two-way thoroughfare.

Because of sea level rise, parts of that road will soon, will soon be in the ocean. And, we have limited funds that we should not be spending money on fighting a losing battle. Every month of delay on this 1B-2 project adds an additional \$200,000 to its cost. And that's money that comes out of, Maui gets \$25 million a year from the State, and so it's

going to come out of that. So, it's going to affect other projects that we need like the, like the Paia bypass.

So, I would ask for a two-week suspension. This is something that I asked for from them and they did not agree. I asked them to not proceed with the current construction at Keawe Street. They decided to go ahead. But, I think that we should keep working on that. People need to come to a better understanding. But, time is of the essence in addressing the southern realignment. Every part of that highway is dependent on the part that's to the south of it. You can't get to the northern extension if the Olowalu section has fallen off into the ocean.

And, I, I have some pictures there for you. The highway pavement near Mile Marker 14, just south of Camp Olowalu on the makai side, across from Kapaiki Village, is already undermined several feet by erosion; the guardrail is hanging in the air. Now, one of these days, the southbound lane is going to collapse under a heavy vehicle, and we'll be lucky if it does not roll into the ocean. So, this is serious. And, the DOT has known about this for a while, and we've been trying to get them to do the realignment because the current go-to solution is the seawall.

So, just to wrap up, there's some photos of that. And, they're self-explanatory. We need to--

CHAIR WHITE: Thank you very, I think we've got your written testimony, and appreciate your being here.

MS. PEREZ: Okay.

CHAIR WHITE: Members, any need for clarification?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Mr. Perez. The, your second paragraph in reference to, you can share further, further information today or later, you have that on a separate form, is that what you have?

MR. PEREZ: No. I just have it handwritten, but I can submit it.

COUNCILMEMBER COCHRAN: Okay.

MR. PEREZ: Or, I could just read it off to you now; it's very quick.

COUNCILMEMBER COCHRAN: Okay.

MR. PEREZ: If you want.

CHAIR WHITE: Or, Ms. Cochran, if you'd like, staff can make copies of it and distribute to the Members.

COUNCILMEMBER COCHRAN: Yea. Either that, Mr. Perez, or if you want to just put it in nice print or something, and then you know.

MR. PEREZ: Okay. I could do that.

COUNCILMEMBER COCHRAN: Put it in legible writing and then send it to the Committee, or the Council.

MR. PEREZ: Can I just address one that was my biggest concern that the traffic coming down Keawe Street is going to be speeding to that right turn. I asked them if they could put speed tables there to keep them at the speed limit, and they said yes, so.

COUNCILMEMBER COCHRAN: Thank you very much.

MR. PEREZ: Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR WHITE: Thanks for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is Ben Bland, testifying on County Communication 18-33. To be followed by Ke`eaumoku Kapu.

MR. BEN BLAND (testifying on County Communication 18-33):

Good morning, Chairman, Council. My name is Ben Bland.

CHAIR WHITE: If you could bring the microphone down please.

MR. BLAND: My name is Ben Bland. I'm a resident of the west side, and I'm here to discuss my disappointment in the realignment, the bypass. And, it's no longer a bypass by the way; it's now a highway realignment. So, we need to realize that too.

But, I just could talk for more than three minutes about the issues that I have. So, I just brought a visual aid to kind of . . . the talking. And, this is currently Honoapiilani Highway. It's a thoroughfare. We're driving all the way through to Kapalua. It's pretty much a known route, works well for everybody. So, the plan for the State, of course, is to take a piece out of that highway and make it no longer a highway, and provide us with the bypass.

So, it's a little bit more involved than a highway as you can see. So, we got a State highway. Now we're going to have another State dead-end of a highway. And, we're going to have to access town and north by County roads, three County roads; none of which were designed to be State highways. And, now we're being asked to just take that as a County and deal with it without a whole lot of time. And, I know a lot of people didn't realize that, you know, we kind of knew we were getting this, but we didn't know that we were getting this in place of our highway.

So, if there's an injunction to be filed, which I didn't read that in today's little blurb on what we're talking about it, I don't know if that's still before the Council. But, we definitely need to take a little bit of time on this. If we can keep the lower highway open, obviously at some point in time it's going to be underwater, but it's not underwater now and we're still using it. Locals will figure it out. Visitors, they're not going to know what to do.

They'll take this highway, but when they come back going south, it's obvious that this is a highway going south until you get down to the very end right here where they have what they call the south connector. So, if you're coming back from town, come into the south connector right here, which will be most of the traffic going south. And, this is like a "T" with no real intersection, no control of traffic or anything, and people are going to try to move onto the highway from there, merging into the traffic that might be coming from the people who made the choice to go up onto the mountain and come back down.

Really needs to be looked at hard. Just for the bypass part, or realignment part, but then also we have the Keawe issue and what they're going to do to the highway in town, reducing it from two-lane north to one-lane north. And, if anybody's experienced a reduction from two lanes to one like we have now, you know that that causes nothing but serious backup. This is a 12 percent grade coming down the hill, large trucks coming down that, serious safety issue. We need to look at either disallowing trucks

from going down that. There's a whole lot of things that need to be looked at before we just jump into this thing in March.

CHAIR WHITE: Thank, thank you very much, Mr. Bland. And, thank you for the visual.

MR. BLAND: So, I hope that helps you visualize a little about what we're dealing with, with this highway.

CHAIR WHITE: Very nice handy work.

MR. BLAND: Alright. Thank you.

CHAIR WHITE: Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Ke`eaumoku Kapu, Aha Moku O Maui Inc., testifying on County Communication 18-33. To be followed by Sandra Brown.

MR. KE`EAUMOKU KAPU, AHA MOKU O MAUI INC. (testifying on County Communication 18-33):

Aloha mai kakou. My name is Ke`eaumoku Kapu. I'm from Lahaina. Mahalo to the Kamehameha students for coming. My New Year's resolution this year, I'm on my third week of not smoking. So, changing my whole outlook of life. So, mahalo for what you're doing, because my grandchildren used to always tell me all the time, grandpa, second-hand smoke no good for us. So, I quit.

I'm here, literally, to support CC 18-33. There's a lot of issues that I know is going to happen for us on the west side if we continue to allow the State to go the route that they're going right now. When they came to Lahaina, I was, it was during one of our classes. I dropped everything, me and my students went to the meeting, and I asked them one question. And, the question was that if they're receiving Federal monies then when was it that they're going to come together and meet with Native Hawaiian organizations. Because if they using Federal monies, then it triggers a Section 106 consultation. So, when I asked them that and I told them my name, they said, oh, we're supposed to meet with you. I think that's kind of little bit too late already.

So, they haven't met with us on the Aha Moku, and they haven't met with any Native Hawaiian organizations to address the issues of our concerns on how this bypass is going to impact not just the general community, but Native Hawaiians. And, Native

Hawaiians, because if it's traditional cultural properties, that maybe, or will be impacted in the area.

One of those areas is that 30-mile marker coming into Lahaina from Olowalu. That area, I feel is going to be majorly impacted, not just traffic, but also, you know, the Highways Act of 1893. I think the County needs to look into that. Yea, they saying it's not going to cut off Native Hawaiians traditional rights of fishing and gathering and things like that, but it creates an obstruction. And, the Highways Commission Act of 1893 addresses specifically that issue, and that's one of the biggest issues that I have.

So, I support the resolution. And, I think it's really good that the County starts to look into this, especially with the State, because I feel like that, you know, the State is really ramrodding us. And, I no like you guys say, oh, now all meetings with County Council going be in Kahului because nobody wants to go to Lahaina because of the traffic. So, mahalo for your time. Thank you. Aloha.

CHAIR WHITE: Thank you, Mr. Kapu.

COUNCILMEMBER KING: Chair.

Members, yes, Ms. King.

COUNCILMEMBER KING: Thank you. Thank you for being here, Mr. Kapu. And, congratulations on your three weeks of no smoking.

MR. KAPU: Thank you.

COUNCILMEMBER KING: I appreciate that. So, I would just want to ask if you have seen the realignment proposal that Malama Olowalu is working on with Maui Tomorrow, and if you support their realignment proposal?

MR. KAPU: I've, I've sat down, I've talked with Andre [*sic*] Perez many times. We had some meetings with a lot of the communities in the area. I also keep close contact with Tiare Lawrence on a lot of the emails that they get on, you know, what basically is proposed in that area. And, yea, I think we need a lot more time to really look at this, and ways of how we can get the State Department of Transportation really coming to the table and listening to the general community.

COUNCILMEMBER KING: So, so you do support their realignment proposal?

MR. KAPU: Sure.

COUNCILMEMBER KING: Okay. Great. Thank you.

MR. KAPU: Thanks.

CHAIR WHITE: Any further? Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. Thank you, Mr. Kapu for being here. So, since realizing that the State was supposed to confer with Aha Moku but did not, have you now set up such meetings . . . outreach?

MR. KAPU: No. They said they were going to get in touch with me from the last time I met with them, but I haven't received any call or any email ever since.

And, my, one of my main issues was that I wanted to see that 1991 Environmental Assessment they keep bringing up, saying that they've done this. I haven't seen that yet. So, I mean, if we was to meet at the table tomorrow, I would like to make sure that I have a copy of that. And, they said they, they also went into another one in 2003. I've been part of the bypass now, Committee with a lot of the people in that town from the day it started, and even from then I never seen the 1991. That night when they told me about it, I'm like, is it that common for the State to go off something so old?

COUNCILMEMBER COCHRAN: Okay.

MR. KAPU: So, yea.

COUNCILMEMBER COCHRAN: Thank you. Okay. Thank you very much.

MR. KAPU: Okay. Thank you.

CHAIR WHITE: Any further need for discussion?

MR. KAPU: Mahalo. Thank you.

CHAIR WHITE: Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Sandra Brown, property manager, testifying on CC 18-33, on behalf of The Festival Companies. To be followed by C. Rose Reilly.

MS. SANDRA BROWN, THE FESTIVAL COMPANIES (testifying on County Communication No. 18-33):

Aloha.

CHAIR WHITE: Aloha.

MS. BROWN: My name is Sandra Brown, and I'm the property manager for The Festival Companies as agent for the owner of Lahaina Gateway Center. I'm testifying in support of resolution [sic] 18-33, to urge the Governor and the State DOT to temporarily suspend the closing of the northbound Honoapiilani Highway, and diverting all northbound traffic onto the Lahaina bypass, which is actually now an alternative route.

(Councilmember King was excused from the meeting at 10:05 a.m.)

MS. BROWN: The impact on the businesses on Keawe Street alone is just going to be devastating for, they started the construction earlier this week. And just for the one day, that that construction just cutting that road, our, our tenants experienced 20 to 40 percent less traffic because it's difficult to get in and out of Keawe Street either from the Honoapiilani and also down, coming down the bypass. You have to be on the bypass to actually get to us because otherwise traffic's cutoff when they're doing construction on that road.

The, the issue I have with this personally is that if you terminate or closed off the northbound traffic on Honoapiilani and force everyone onto the bypass, Keawe Street is not, is not set up to take all that traffic. And, I believe that 70 percent of the traffic coming into Lahaina is going to be forced down Keawe Street because that majority is visitors going to Kaanapali. And so, since we will be the north terminus, the end terminus of that bypass, that's where all the traffic is going to go.

I understand that the State is trying to realign and trying to adjust Honoapiilani to account for the traffic on Keawe Street, however, every business on Keawe Street is going to be impacted because they cannot come out and take a left. They, from us, we're going to have to always take a right out; take a right out, take a right out onto Honoapiilani, force ourselves across the way to Kapunakea, take a left to go around the Lahaina Gateway to just come back and take a left onto Honoapiilani. It's just going to be so much traffic and so much congestion there that you're not going to be able to.

Not to mention that it's a safety issue. People walking in that area, trying to negotiate how to get across from us is Walgreen's, how they going to get across there. It's just going to be a nightmare.

So, I just want to say that I support the resolution *[sic]* 18-33. I appreciate Don Guzman bringing that to, to the forefront. And, that's it. Thank you for hearing me.

CHAIR WHITE: Ms. Sugimura.

(Councilmember King returned to the meeting at 10:08 a.m.)

COUNCILMEMBER SUGIMURA: Thank you, Chair. Did you have an opportunity to share this with the State Department of Transportation?

MS. BROWN: Yes. We had, we held a meeting at Lahaina Gateway regarding this whole situation when it came to light. So, yea, we have shared this.

COUNCILMEMBER SUGIMURA: How long ago was it, or that the DOT reached out to you?

MS. BROWN: I think that was early December, early December.

COUNCILMEMBER SUGIMURA: Thank you.

MS. BROWN: Okay.

CHAIR WHITE: Any further need for clarification?

COUNCILMEMBER COCHRAN: Yea, Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: In reference to that reaching out to the State entity, did you folks get some solution oriented feedback?

MS. BROWN: I did get an email from Robin Shishido regarding possibly the State allowing an egress, right turn egress onto Honoapiilani from Lahaina Gateway Center. The problem with that solution is that once vehicles, once locals learn that they can cut through, they'll cut through. And, it doesn't really solve our problem because we have to make right turns out of our Center anyway to get out. So, it's just going to be one more right turn. It's not going to solve the issue for us. For, for us, no one will be able to turn left to get onto the bypass. So, you're going to constantly have to turn right and then negotiate your way back around.

COUNCILMEMBER COCHRAN: Okay. Yea, thank you. I do that every day. And so, and another, just a follow-up, and then on the County level though, have you spoken to,

and I was at that meeting so I know David Goode was there, but since then has there been some positive solutions moving forward via the County?

MS. BROWN: No. Other than our conversations, you and I, no. Okay.

CHAIR WHITE: Okay. Thank you for being here, Ms. Brown.

Mr. Clerk.

COUNTY CLERK: Next testifier is C. Rose Reilly, testifying on County Communication 18-33. To be followed by Lawrence Carnicelli.

(Councilmember Hokama was excused from the meeting at 10:10 a.m.)

MS. C. ROSE REILLY (testifying on County Communication No. 18-33):

Aloha. Good morning. My name is Cecilia Rose Reilly. I just recently moved to the westside. And, it's taking the traffic, wow, you know, people have talked about it, but it's impressive.

So, the points that have been brought up about the saving the shoreline from erosion are very important to me; that the communicating with the people who are most familiar with the area to come up with better solutions and not rush things through. This is a long-term project that needs to have full solutions observed and brought to the table. And, the fact that they haven't met with the Aha Moku is they, you know, they definitely need to do that.

So, I definitely, you know, see that old cane roads would be a awesome way to, you know, negotiate acceptable changes. And that it is really important for me that there's not development coming in off of that. The, the places that the County has bought do stay open because they, there's so many issues and there's just, there's a lot of people over there. So, it's definitely not a thing that I see to be rushed, but also a thing that I see as a positive. Because, on Kauai, they did move the road back from the beach and it saves the beaches, and beaches are worth a lot. People come for them specifically, you know. So, it's like we definitely want to save the shoreline access.

And I would like to support Tiare's plan for realignment. And ask that the Council do everything that they can to keep the westside from over-development, and to keep the road in ways that are going to be joyful for the community. Wouldn't that be nice to be, stoked?

CHAIR WHITE: Thank you, Ms. Reilly.

Members, any need for clarification? Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Lawrence Carnicelli, testifying on County Communication 18-33. To be followed by Kaniloa Kamaunu.

MR. LAWRENCE CARNICELLI, (testifying on County Communication No. 18-33):

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. CARNICELLI: Council. Lawrence Carnicelli, speaking on my own behalf. And, I just wanted to offer some comments on 18-33. As, as a planning commissioner, I have reviewed the entire, you know, the entire environmental assessment. I've even, you know, reviewed the entire realignment. This isn't a bypass, this is a realignment. I, you know, reviewed the entire plans, the schematics, the drainage, the whole thing, and it's flawed, it is.

But, when it was before us, it's like, what's the alternative? That was really what was before us at that moment; is we took a two-lane highway with street lights, and we moved it mauka to make a two-lane highway with streetlights that dumps down on Keawe Street. It's just, it's bad. But, the alternative is go back and redo it and do another environmental assessment, do another SMA, and we'll have this, we'll have a different version eight years from now, maybe.

(Councilmember Guzman was excused from the meeting at 10:13 a.m.)

MR. CARNICELLI: And so, it was kind of like, you know, as much as I don't like this, I kind of got to vote for it, because we got a problem. And, like you know, then we even start about talking from Cut Mountain south. Lahaina is one storm from being cut off, like, can't go to Lahaina, can't leave Lahaina. So, I mean, we've got a lot of issues.

Would it be good to say, okay, let's take this portion from Cut Mountain to Keawe Street, build it, but leave it closed until we go from Keawe to Puukolii, and then once that's in, so we don't dump into Lahaina, we dump outside of Lahaina? Yea, that sounds great. That's going to be another what, six, eight years, something like that?

So, this is bad. But, it's kind of like it's the best of bad. I don't even think it's the best of bad. It's just what we have.

(Councilmember Guzman returned to the meeting at 10:14 a.m.)

MR. CARNICELLI: And, I will also say that, you know, when you look at some of the really horrible planning designs on our island, ironically, they come from the State. I think that our County planners do a really good job. Some of the flawed stuff comes from the State Department. Anyways, it's just, that's just sort of the reality of it. I could go with the point systems, specific ones that really bother me.

But, but I'm just bringing this up because I think, you know, like what Tiare brought up as far as from, you know, the Pali to Cut Mountain, that needs to happen, you know, in some way, shape or form, we needed to address that.

But, that's not really what I think this is about. Unfortunately, this is sort of a done deal. Do we hit the pause button and say, hey, listen we need to, you know, re-look at this? Maybe that would help. But, I would also encourage the public to, you know, there's the steps that things have to go through to get to this point. And, you know, so it's like the EA, you know, the environmental assessments been out there, the SMA's been out there. And, you know, we were able to make some corrections to the thing that we could without triggering another environmental assessment at the Planning Commission. But, it's flawed.

CHAIR WHITE: Thank you for your testimony this morning.

Members, any need for clarification?

COUNCILMEMBER KING: I have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. Thank you for being here. So, I understand from your testimony that you support the proposed realignment that Maui Tomorrow and Malama Olowalu are working on?

MR. CARNICELLI: Yea, I don't think that that's part of this project, you know. I mean, that's, that's a separate issue. You know, I mean, that's a completely separate conversation, because you know, when you talk about what the DOT, that, you know, the State DOT is doing right now--

COUNCILMEMBER KING: Right.

MR. CARNICELLI: --is from Cut Mountain to Keawe. That's a whole nother conversation, you know. Does it need to happen? Absolutely it needs to happen. But, this is, you know, it kind of just is what it is. They've got concrete going in already, you know. I mean, it's not like, you know, you say like hey let's redo this now. You know, I mean, it's, it's kind of a, you know, it is what it is at this point, you know, it's a duck. But, but as far--

COUNCILMEMBER KING: So, do you think it's too far along to put a stop on it, to rethink it?

MR. CARNICELLI: No. I mean, you can do that. But it, to me, it's always what is the consequence, like what's going to happen? Could we say, you know, yea, let's stop it and let's put roundabouts instead of streetlights? Let's not dump down into Keawe; let's take it someplace else. We could do that, absolutely. But, now you're talking about a new environmental assessment. You're talking about a new SMA. You're talking about another, you know, years and years' worth of process.

And, that's why I said, is, is I unfortunately reluctantly voted in favor of this as a planning commissioner, because of the timeline, you know, that they give me a decision to make as a planning commissioner in a flawed plan. And, I'm going this is horrible, but do we really want to wait another eight years for a new one? I mean, the fact that that connector road from the current, you know, Honoapiilani to the, to the realignment, that's in the shoreline setback. I said, why would they design it like that? It's already obsolete before they've even built it. You know, it's, you know, anyways I don't know if that answers your question or not.

COUNCILMEMBER KING: Well, no. I mean, and maybe there is no answer, but it gives me a little clearer, more pieces to the puzzle of this whole picture. Thank you.

MR. CARNICELLI: And that's why I just try to just, I guess, give, anyways, my perspective, so.

COUNCILMEMBER KING: Thank you very much.

CHAIR WHITE: Thank you for being here this morning.

MR. CARNICELLI: Thank you, Ms. King. Thank you, Chair.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Kaniloa Kamaunu, testifying on County Communication 18-33 and 34. To be followed by Rosemary Robbins.

MR. KANILOA KAMAUNU (testifying on County Communication Nos. 18-33 and 18-34, and
Committee Report 18-9):

Aloha, Chair. Aloha, Council.

CHAIR WHITE: Good morning.

MR. KAMAUNU: My name is Kaniloa Kamaunu from Waihee Valley. So, I didn't realize that they were talking about the, as our, as our keiki was talking about the smoking. So, if you would indulge me to actually add that on, if you don't mind? Thank you, Chair.

So, my concern is, you know, I grew up in a family that are heavy smokers. And, my, for myself didn't pick up that habit. It is a very dirty habit. It's a very expensive habit. And, I think it's a habit that people should actually get rid of. It is, from my point of view, one of the things that take you steeper, step closer to other, using other drugs. Because, basically, cigarettes and alcohol are drugs of a different form. But, that's where adolescents starts in these areas.

So, the concern that I have about it is when you start intruding on people's privacies in their vehicles. We talking about the vehicles. I understand the plan is to protect, but then there's other civil rights involved; rights of privacy in the car being that the person's vehicle is actually private property, which is, you know, have other rules. And, I don't like to in, you know, as I see also, the seatbelt law had intruded on people's rights. And, then what are we going to do? Are we going to intrude on rights of people at home, to say that they cannot smoke in the same room with a child?

I understand the benefits of this. But, then we have to also understand the whole scope of the problem. It's not only smoking, but what rights are being intruded upon by big brother sticking his hands in private affairs of people. If you're going to do that, then go back to the source; those that create the product. They're not being held responsible for anything, even though they're killing millions and billions of people around the world. They're not being held to anything. Whether it be alcohol or drugs, it's an oxymoron to say drink wisely. Smoke wisely, is that what we're going to have too?

So, to me, my concern with the thing is to look at the scope of, of what is being imposed upon the person. Do I believe in protecting children? Yes, I do. But, I don't believe in going against somebody's civil rights to be impacted upon without, you know, being seen to that they are protected. Thank you.

So, I'll move onto--

CHAIR WHITE: Next item, thank you.

MR. KAMAUNU: Okay. So, I want to go to 18, if you don't mind, 34. I'm against when they start opening businesses on properties that they bought as agriculture, any type. I think it's, I think it's wrong for someone to have purchased properties cheaply, because it's under ag, and then propose, in their mind they already had set to add other businesses to incorporate in that area. The reason for that for me in Waihee, they have that already. And, I don't like it, because then you bring unwanted traffic into the area, which is not being talked about. Because, if you have a business there that does certain things and people want to get there, then again, you're talking about traffic.

You, are all these things being figured into when we allow these people to be permitted for other uses besides what they bought the property for? What's the total impact of the area, not only to that person but to their surroundings? You know, and to go into a guise that you buy a property at this cheap cost, and then you want to escalate it so that you can make money off of it in another way I think is wrong.

Whether it's a bed and breakfast, whether it becomes a, you know, a farm tour or whatever else comes about. And then, to have stuff imported to be sold on the property, are there going to be regulations of what they can and cannot sell? You know, when they start to do this, is that revenue going to be taxable to the County? And how does, how does the County who's giving them the permission to do this, you know, take advantage of that?

So, I'm against this proposal in, on the Planning Director in 18-34. So, with that, mahalo for that.

And then of course, joining on with everybody else, I am for an injunction for the purpose of conversation. The reason for that, it is important for the people to feel that the government belongs to them. It doesn't belong to just a few people that sit and were elected into office. If you want to teach the children here the power of the people, then the government has to give them that power. They cannot take that power away. By the State doing this and not having those conversations has taken the power from the people, and they have rudely used it to not take the concerns.

Everyone here so far has been negative, even from the planning commission. He says it's flawed. But, if had a conversation prior to this all happening, that money that was spent unwisely, if so, wouldn't have been spent. And, to look for another eight years, when they could have been already implemented now, it's foolish. And, that all it took was to bring the conversation to its home base.

For those that use the road, I'm there three or four times a week, cause I'm a musician by trade and that's where my work is. I'm luckily that I ride along my friend who likes to drive, so I get to sleep. And sometimes that's like two hours, you know. I mean, we sit there, and I feel sorry for him, but he wanted to drive. So, so the thing is, but you know, those things are realistic. Two hours? You know, I mean, I remember coming from the Kahului bypass to get to that burger place; that took an hour to just get by that area. It was ridiculous.

So, the thing is, but how does this help? To me, as it was said by the Planning Commission, all you doing is moving the street up. Okay, that's good. You know, we can, we can actually work on the beach. My thing is, but you still bottleneck. You still bottlenecking into, you come from maybe a four-lane highway, you come down to a two-lane highway. So, now what happens? The four-lane highway is a good parking space to have people wait their turn to get down to the two-lane highway. It doesn't address the situation.

I believe that leaving open the bottom road temporarily until the realignment that was talked about by Tiare and her group, and Albert, can be implemented to cut that, to cut that service off. But, right now, the impact is there already. And if you're not going to change the impact on that road, why not use it until a time that all those things can be figured out? That way your traffic flow is still good. We don't want to impact those, and we want to save the beaches. But, we have to also think clearly too. All we did was realign. We did not address the situation. So, if you don't address the situation, the problem, how is your answer supposed to apply to it? Thank you.

CHAIR WHITE: Thank you for being here this morning, Mr. Kamaunu.

Members, any need for clarification?

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. Thank you for being present, Mr. Kamaunu, and thank you for your mana`o. I want to refer back to CR 18-9 in your testimony, referring to the prohibition on smoking in any motor vehicle operated, especially when a person is under the age of 18. And, I, I respect your mana`o about recognizing adult individuals having their privacy and their rights.

The kuleana I have is to protect the babies; their health and their safety. So, I want to be clear; you want protect the adults rights, but how do we ensure protecting those who cannot speak for themselves?

MR. KAMAUNU: Understandable. And that, again, as I said, should be turned back to those who provide those products. Those things, I mean, the things we, and that's why I said it's an oxymoron. You allow people to kill themselves by using it, purchasing, and you can purchase it at a, at a gas station, which to me is ridiculous. But, you can take it over there, you can buy it, but yet, I'm going to tell you how to use it, and then I'm going to infringe upon you more by telling you where you can use it in the privacy of your life.

That, and I not making the, to say that the child's right is minuscule. But, there's, there's intricacies where this allows interpretation of these types of laws to be implemented into other things. Because we have allowed this to happen, we can implement other stuff that we feel because we using for the safety of this one person, but yet will deny the rights of another person. You understand what I'm saying?

And, and the thing is, again, like we say kuleana. Who taught that adult that that was correct? Who taught the adult that we can go outside and, and oh cause this area is away from everybody even though the drift is coming right into the, into the rest of the public? And let me tell you, I hate smoke. And let me tell you, I hate that, that, that mist thing too. And, I yell at my friend all the time when he's, when I'm down wind of his silly whatever scent he has, you know.

But, the thing is, they, the whole part is we're trying to save one and yet we're sacrificing the other. Where is the medium between this? It's from one extreme to the next. I, you know, I mean, because I've seen, you know, being in the, in the prison system, I've seen a lot of these situations where civil rights are violated only for the purpose of being able to have this objective.

So, my thing is how do you protect the rights of that person in the car? How does that, because there are rights. If I'm not mistaken, the property of, in the, the thing in the car is a property of that person; it's a personal property. And, they have to actually have warrants or have reason to go into your car.

So, the thing is when we went for our licensing, to get the driver's license, they have on top there now that you have to sign that you can be stopped anytime, that your rights are going to be subjected, that you can be stopped and you can be drug tested at any time. And, see, those types of things, these types of things run into that, and support those types of things. So, I don't know what the answer is. You know, and kala mai, I support, not saying that I don't agree cause then there's other stuff that is involved, that I think needs to also be addressed. That's, that's my concern, you know.

COUNCILMEMBER ATAY: Yea. Yea, thank you for your mana`o, you know, in the concept of Kanawai Mamalahoe, the concept of the old law of protecting those who cannot speak for themselves; protecting the children, yea, and their health and their safety,

and being that that is an old law, which supersedes new law. I understand your mana`o and your references to new law, but, I stand with protecting the children.

MR. KAMAUNU: And, I would like to see that happen. But, I want, you know, my thing is I just had to also speak on both sides, because I've seen that, you know. And it's, and I understand it, and you know, I had, these are things I think about serious, seriously many times. Thank you.

COUNCILMEMBER ATAY: Thank you, Chair.

CHAIR WHITE: Thank you.

MR. KAMAUNU: Thank you, Chair.

CHAIR WHITE: Thank you very much for being here this morning.

Mr. Clerk.

COUNTY CLERK: Calling Rosemary Robbins, who will be testifying on County Communication 18-26, 18-29, 18-37, and CR 18-9. To be followed by Zeke Kalua.

(Councilmember Cochran was excused from the meeting at 10:31 a.m.)

MS. ROSEMARY ROBBINS (testifying on County Communication Nos. 18-26, 18-29, 18-37, and Committee Report 18-9):

Good morning, everybody. Carefully did I listen to that last explanation. When I moved to Hawaii in 1962, long before the majority of the people under this ceiling this morning, there was no best interest of the child law in Hawaii. Wanting to make sure that our younger folks were going to be protected, folks went to bat for that, and now it is a law. So, whether or not it gets applied to smoking or whatever the best interest of the child, good concept. Took a while to get there in the Mid-Pacific here, but you got there and good for you.

So, and I must say that when I'm in the pools teaching in there, somebody comes by me, they were brought to that pool by grandparents, parents, bringing them there so that their youth would be able to learn safety in the best interest. And, the minute they swim by me in the pool, that smell of tobacco comes right into the lower atmosphere there. So, you folks are going to be the best teachers of all. Talk to the people that you love; your families, your classmates, your teammates. And, just let them know

nobody was born with smoke in their lungs. You can help to keep that out of everybody's lungs. Please do that. Okay, so thank you much.

And, so I would like to speak on behalf of the item 18-9. You folks did a wonderful job on speaking to that already this morning. And, when we talk about the final deal of that, it used to be just family unification; that was the bottom line. I'm still in favor of that. So, help your family to be able to be helping everybody else. Good job done. Thank you.

(Councilmember Cochran returned to the meeting at 10:34 a.m.)

MS. ROBBINS: Okay, so I would like to start, that's on the last page of our agenda today, to go over to County Communication No. 18-26. This has to do with the Maui County Code. No later than 30 days after the end of each calendar year, the Director, this has to do with finance, shall submit to the County an annual report, annual report, of all the acquisitions that were made and conveyances that were accepted in terms of what are we doing with our money. Everybody knows where that money is coming from? If not, you will as soon as you start being employed and have that on record.

So, the sooner that gets done in the, the oversight if you will, of the person, everybody can count to 12, so we know the timeframe in that. But, the oversight by the person who is going to make sure, I don't know, a little note, keep in mind that you have a month and a half before your annual runs out and needs to be there. We can do that kindly without assassinating anybody just because we disagree with them on a point. Having no oversight before us has been a problem, we know that. So, let's correct that and make that a better deal. So, that was on 18-26.

The next one is on 18-25. Remember that nobody agrees with everybody all the time; that doesn't happen. But, seeing things from a different perspective is a tablet for improvement, right. You folks are aware that we might not have a functioning Federal government for a while. We've got three levels of government in the County where we are.

CHAIR WHITE: Ms. Robbins, would you please address the Chair, not the audience.

MS. ROBBINS: I'm sorry.

CHAIR WHITE: Would you please address the Chair and not the audience.

MS. ROBBINS: I will. Yes, I will.

CHAIR WHITE: Thank you.

MS. ROBBINS: Thank you for the reminder. The County stuff that's here and that's on Akaku, the State stuff, they have responsibilities and kuleana. And, certainly, malama for our land and sea. And, here is another level of government, and then comes the Federal government. And, not everybody who is in favor of the folks in Hawaii becoming a State, part of the U.S. And I understand that you have 49 other States that you are competing with for Federal money, and who you very often look to that larger pot of money to help us out here. We're smaller, so we don't have that kind of money. So, understanding how all three government levels are important to us.

So, in the 18-25, this has to do with Haleakala Homesteads Subdivision road widening. And, it's from Haleakala Homesteads Subdivision. Nobody expected that to be asking people in years to come to have that land use used for something other than the Homesteads. So, keep an eye on that if you would. So, that's 18-25 of the county communication section on our agenda.

Next one is 18-37, from our Chairperson of this Council. Attached, please find copies of the Department of Water Supply's monthly source report and groundwater use report for the month ending December of 2017. So, that's less than a month ago. And, we have already had our County Auditor have to acknowledge that some of the reports that came in from the Water Department from 2016 and 2015 were not accurately recorded. So, hurray for the oversight of the Auditor for that, and hopefully that's going to be an improvement now. That report is available at the Auditor's Office, which is just down the street after the parking lot next to here.

Okay, in terms of, do you have those other numbers right in front of you that haven't been addressed?

CHAIR WHITE: Pardon.

MS. ROBBINS: Do you have those.

CHAIR WHITE: Oh no, you've addressed all of your items that you listed on your form.

MS. ROBBINS: Okay. Good. Yea.

CHAIR WHITE: Thank you very much.

MS. ROBBINS: Cause I ran out of space.

CHAIR WHITE: Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. ROBBINS: You're welcome. Thank you for listening to everybody this morning.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Zeke Kalua, testifying on County Communication 18-33.
To be followed by Victoria Palafox.

COUNCILMEMBER SUGIMURA: Chair. Chair, may I ask how many more testifiers we have?

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Victoria would be the last. So, one more after Ms. Robbins.

COUNCILMEMBER SUGIMURA: Thank you. The students want to--

COUNTY CLERK: I mean, Mr. Kalua, excuse me.

COUNCILMEMBER SUGIMURA: Thank you.

(Councilmember Hokama returned to the meeting at 10:40 a.m.)

MR. ZEKE KALUA (testifying on County Communication No. 18-33):

Good morning, Chair White--

CHAIR WHITE: Good morning.

MR. KALUA: --Vice-Chair Carroll, Members of the Maui County Council. My name is Zeke Kalua, and I'm here as an individual. I know I work up in the Mayor's Office, and I know I'm a past executive director for the West Maui Taxpayers Association, and a former vice-chair for the Governor's Council of Advisors, but I want to be really clear I'm here testifying on behalf of myself and some of the community concerns that I've heard.

There's a lot of, a lot of emotion regarding the changes that are happening right now. You know, there's a lot of, a lot of changes that are coming; some warranted, some unwarranted. Ultimately, the tool that the County has within their possession to do anything with this respect, aside of diplomacy and the ability to discuss freely options that may or may not be available is the injunction. And, that's why I'm here today; to fully support the resolution. Of course, with reservations, just like everybody else.

My reservations though, happen after we are allowed to come to the table and give meaningful input and dialogue on what should be happening within this proposed project area. In the last 18 years that I've testified for the Lahaina bypass, it's been for the Lahaina bypass. It has not been to realign the highway and take away the bypass.

The thing that should also be realized, ladies and gentlemen, is that if these projects go in completely unchecked with no resolution at all to address any of the concerns on Keawe, guess what, it becomes the County's responsibility and the County's liability. So, whether or not we can agree that there should or shouldn't be traffic calming devices on Keawe Street, it belongs to the County of Maui. This increased density is going to cause issues. I can't specifically say when or where, because that's speaking from emotion and assumption.

But, the reality of the situation has been based on 17 years of driving that road, and impacting that community. I understand realignment. It's huge. It should definitely be something that is considered. But, at the expense of taking away an option? We have received so much criticism about fixing the culvert before Suda Store on Kihei. That's not even a primary arterial into the South Maui district, and look at the impact that just taking away that one little option that is necessary to repair has caused on that community. The other day, the traffic was backed up from the intersection of Mokulele and Piilani all the way to Honoapiilani Highway, all the way. If that isn't the primary example of why we cannot take away an additional option, I don't know what is.

Do we want to get into a litigation? Of course not. What other tool do we have? If anybody can tell us the other tool that we can utilize to get meaningful dialogue with the State, please let us know. We testified in December. We testified in January. The WMT held a meeting January 9. We've had two meetings; one face to face with Ed Sniffen, and one over VTC. There has been no willingness to compromise from the State at this point.

CHAIR WHITE: Please, please conclude, Mr. Kalua.

MR. KALUA: So, my conclusion, ladies and gentlemen, is when we're looking at the potential to lose 200,000 a month, imagine how it would impact the State to lose half a billion a year if these impacts are more severe than what we project. Please support the resolution. We understand there's reservations. Let's hash those out, and let's get the State to the table. Mahalo.

CHAIR WHITE: Thank you for being here this morning. Members any need for clarification?

COUNCILMEMBER KING: No, just real quickly.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you for being here. What is your title with the Administration? I'm not sure you mentioned that.

MR. KALUA: My official title with the Mayor's Office is Executive Assistant.

COUNCILMEMBER KING: Okay. So, you don't have a specific area, but I mean, I think some of the executive assistants have specific areas that they address, or do you not?

MR. KALUA: I do. Mine is West Maui, East Maui, Molokai, and Lanai.

COUNCILMEMBER KING: Okay. So, it's geographical. Okay.

MR. KALUA: Yes.

COUNCILMEMBER KING: The other thing I just wanted to say that, I think the, what's happening on North Kihei Road, cause I use that road all the time, indicates that it is a primary arterial, arterial route. So, you know, I wouldn't, I wouldn't characterize it as a non-primary route, which is why we're having these issues, these traffic issues around there. So, thank you, Chair.

CHAIR WHITE: Thank you. Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Victoria Palafox.

MS. VICTORIA N. KALUNA-PALAFIX (testifying on County Communication No. 18-33):

Aloha. Good morning, Chair.

CHAIR WHITE: Good morning.

MS. KALUNA-PALAFIX: Good morning, Councilmember. I, I too come in as an individual. And, I'm talking about 18-33. And, I'm in full support of Mr. Goodman *[sic]*, Guzman's resolution. And, as someone that has been living there, families towards end and till today, we have utilized these roads forever. And, I know my children will be using it too.

My main concern is, yes, we need to come to the table. And, I know with this, if it is passed, I know that the people can come to the table, because we have ideas that can help our community and our County Councilmembers. And, I think that we have enough resources in Lahaina that can make this all possible. Because, the traffic stems not only from our people and transporting to and from work, it is the tourist industry. And, I know that, with that, we can all come together and make this bypass something that we can live with and our future can live with.

I support this resolution full heartedly, because I know that we can make amends to all these things that are really glitched. And, I know that because we live there all our lives, majority of us. We have a lot of mana`o into all these things. And, I know that this planning has been done for many, many years and has not been brought to the table for clarification and changes.

I hope that you can all understand, Mr. Guzman has brought up a good resolution. And, I support it, again, full heartedly, and I hope you all will too. I thank you for your time. Mahalo.

CHAIR WHITE: Thank you for being here this morning.

Members, any need for clarification? Thank you again.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals signed up to testify in the Council chamber. If there's any additional individuals in the chamber or in the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office conference call at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There is no one waiting to testify at the Hana Office.

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, there's no additional individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have received a significant amount of written testimony. Without objection, I'd like to accept it into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Mark Deakos;
2. Katie Folio, Coalition for a Tobacco-Free Hawaii;
3. Jaedon Galicinao;
4. Breeana Anguay;
5. Elizabeth Noelani Kuhlmann;
6. Albert Perez, Maui Tomorrow Foundation;
7. John A. H. Tomoso;
8. Jim Foster;
9. Erik Stein;
10. Clint Gima;
11. Elizabeth A. Kennedy;
12. Laurie S. Lowson;
13. Alison Stanford;
14. Mark Marchello;
15. Noel Kennett;
16. Stan Dunn;
17. Romeo Eleno;
18. Cruz Braun;
19. Chasey Koomoa-Sidney;
20. Jonah Raboy;
21. Kayla Yamashita;
22. Teancum Aiwohi;
23. La`akeaokalani Awai;

24. Zachary Genobia;
25. Kristian Ryan Silva;
26. Makamae Nalei`eha;
27. Ezekiel Weber;
28. Lauren Almeida;
29. Connor Nohea Viela;
30. Kisen-Leo Mercado;
31. Lauryn Hashimoto;
32. Sasha Jorgensen;
33. Teija Tuitele;
34. Barbara Barry; and
35. Representative Angus L. K. McKelvey.

CHAIR WHITE: Thank you. And, without objection, we will close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. And, with that, Members, we will take our morning--

COUNCILMEMBER HOKAMA: Chairman. Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I would ask the Members indulgence to take up some action now since I need to leave in five minutes to represent our Council at the joint hearing on House Finance, and Senate Ways and Means at 1:30.

CHAIR WHITE: I'd be happy to, so you'd like to deal with, without objection, Members, we'll continue and deal with the items that Mr., Mr. Hokama has on his portion of the agenda?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER HOKAMA: Thank you, Members.

CHAIR WHITE: Mr. Hokama.

Oh, I'm sorry, Mr. Clerk, please call up the county communication items.

COUNCILMEMBER HOKAMA: Chairman, so with no objections, I ask that the Members allow us to take out of order the following items that will be addressed by the Clerk at this time.

CHAIR WHITE: Mr. Clerk.

COUNCILMEMBER HOKAMA: So, with no objections, I would ask that the Clerk bring up the first three County Communications 18-22, 23, 24.

MEMBERS VOICED NO OBJECTION.

COUNTY COMMUNICATIONS

NO. 18-22 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated December 28, 2017)

Informing of the receipt of \$3,787.75 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 18-23 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated January 8, 2018)

Transmitting a copy of a 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 \$46,599.

NO. 18-24 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated January 8, 2018)

Transmitting a notice of grant award from the State of Hawaii, Department of Transportation for the Highway Safety Grant Program in the amount of \$8,490.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you.

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATIONS
AS READ BY THE CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. These are just required notifications to Council by the various Departments notifying us of grant revenues received.

CHAIR WHITE: Thank you.

Members, any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, with no objections from the Members to take out of order, I ask that the Clerk bring up the following Committee Reports 18-4, 5, and 6.

COUNCILMEMBER COCHRAN: No objections.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-4 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 1 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY (STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-5 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 2 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-6 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 3 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER OPERATIONS PROGRAM – SEWER FUND, WEST MAUI COMMUNITY PLAN AREA, SEWER; TOTAL OPERATING APPROPRIATIONS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 4 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, COUNTYWIDE SEWER CAPITAL IMPROVEMENT RESERVE FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 5 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WEST MAUI COMMUNITY PLAN AREA, LAHAINA WASTEWATER RECLAMATION FACILITY (WWRF) PRIMARY ELECTRICAL SYSTEM REPLACEMENT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 17-333, from the Budget Director, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman and Members.

I MOVE THAT COMMITTEE REPORTS AS READ BY THE CLERK, ALONG WITH ITS RECOMMENDATIONS, PASS, BE PASSED ON FIRST READING AND BE ORDERED TO PRINT.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. King.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Budget and Finance Committee vetted all three reports, and are, is recommending adoption by this Council. Thank you very much.

CHAIR WHITE: Thank you.

Members, any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama, do you have, you don't have any other items do you?

COUNCILMEMBER HOKAMA: No. Thank you, Chairman. I appreciate you and the Members.

CHAIR WHITE: Okay. With that, Members, we will take up the remaining portion of the agenda after our morning break. Please be back at five minutes after eleven. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:54 A.M., AND WAS RECONVENED AT 11:07 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER HOKAMA EXCUSED.)

CHAIR WHITE: This meeting of the County Council will please come back to order.

Mr. Clerk, please proceed with the remaining county communications.

COUNTY CLERK: Thank you.

Mr. Chair, for the record, prior to the brief recess, we dealt with Committee Reports. For Committee Report 18-4, that would be BILL NO. 1 (2018). Committee Report 18-5, BILL NO. 2 (2018). For Committee Report 18-6, it will be BILLS 3, 4, 5 (2018).

CHAIR WHITE: Thank you, Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 17, 2017, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Excuse me.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF
NOVEMBER 17, 2017, BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Thank you.

Members, any discussion on the minutes? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; Mr. Hokama. And, the measure passes.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with the rest of the county communications.

COUNTY COMMUNICATIONS

NO. 18-25 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated January 5, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 4-C-3, in conjunction with the Haleakala Homesteads Subdivision, TMK: (2) 2-4-013:199 POR.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-25.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Ms. King.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. This matter is a, basically a housekeeping type item. And, in accordance with Section 3.44.015(H) of our Maui County Code, the Director of Finance is required to notify this Council in writing of any acquisition or conveyance made to the County pursuant to the Section.

And, this dedication is for Kahakapao Road Widening Lot. It is located on property identified for tax map key purposes as a portion of (2) 2-4-013:199.

No County funds were used to acquire this property.

And, according to information provided in this County Communication, Department of Public Works indicates the road widening lot was constructed to County standards and provides the necessary right-of-way width.

So, therefore, I ask for filing of this County Communication, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 18-26 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated January 9, 2018)

Transmitting "MAUI COUNTY CODE SECTION 3.44.015(I) ACQUISITIONS
WITHOUT COUNCIL APPROVAL CALENDAR YEAR 2017".

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 18-26.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Pursuant to Sections 3.44.015(I), Maui County Code, the Director of Finance shall submit to Council an annual report of all acquisitions, acquisitions made, and conveyances accepted for Calendar Year 2017 no later than 30 days after the end of the calendar year.

This report is for informational purposes only, and no Council action is necessary. I thank the Department for this report, and respectfully request County Communication 18-26 be filed. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 18-27 - KEITH A. REGAN, MANAGING DIRECTOR,
(dated January 11, 2018)

Informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Kealoha Laemoa on January 3, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-27.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, with a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor, in his letter dated January 11, 2018, received notice of Kealoha Laemoa's resignation from the Commission on Persons with Disabilities on January 3, 2018. The effective date of her resignation is February 1, 2018.

I wish my, the best to Ms. Laemoa, and thank you very much for her endeavors for volunteering her time on behalf of the community. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 18-28 - ROBERT T. TANAKA, CHAIR, MAUI LIQUOR CONTROL COMMISSION, (dated January 11, 2018)

Transmitting the annual review and evaluation of the Director of Liquor Control.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. If there's no objections, I would like to request to have County Communication 18-28 referred to my Committee, the Policy, Economic Development, Agriculture Committee, Chair.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

The recommended action is that County Communication No. 18-28 be referred to the Policy, Economic Development, and Agriculture Committee.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following communications are being recommended to be referred to the following committees.

NO. 18-29 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 3, 2018)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. Communication to landlord, regarding lease terms and rates; and

3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 18-29 be referred to the Budget and Finance Committee.

NO. 18-30 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 8, 2018)

Transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2017, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 18-30 be referred to the Budget and Finance Committee.

NO. 18-31 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 8, 2018)

Transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2017 and 2016, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 18-31 be referred to the Budget and Finance Committee.

NO. 18-32 - ALIKA ATAY, COUNCILMEMBER,
(dated January 5, 2018)

Relating to Exploring the Development Services Administration's (DSA's) Twenty-nine (29) Minute Permit Processing Model as a Template.

The recommended action is that County Communication No. 18-32 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-33 - DON S. GUZMAN, COUNCILMEMBER,
(dated January 12, 2018)

Transmitting a proposed resolution entitled "URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION TO TEMPORARILY

SUSPEND THE HONOAPIILANI HIGHWAY IMPROVEMENTS, KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE 1B-2 PROJECTS".

The recommended action is that County Communication No. 18-33 be referred to the Policy, Economic Development, and Agriculture Committee.

(See pages 61 through 67 for discussion.)

NO. 18-34 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated January 5, 2018)

Transmitting a Conditional Permit application submitted by Maui Dragon Fruit Farm LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4295 (2016), GRANTING MAUI DRAGON FRUIT FARM LLC A CONDITIONAL PERMIT TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT CERTAIN SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT AND TO ALLOW THE TRANSIENT VACATION RENTAL (TVR) OF A TWO BEDROOM FARM DWELLING IN THE COUNTY AND STATE AGRICULTURAL DISTRICTS ON AN APPROXIMATELY 3.0 ACRE PORTION OF A 27.528 ACRE PARCEL OF LAND, LOCATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII".

The recommended action is that County Communication No. 18-34 be referred to the Land Use Committee.

NO. 18-35 - ROWENA M. DAGDAG-ANDAYA, DEPUTY DIRECTOR OF PUBLIC WORKS, (dated January 3, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF A PORTABLE ECO-COUNTER MOBILE MULTI COUNTING DEVICE TO THE DEPARTMENT OF PUBLIC WORKS, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 18-35 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-36 - ALIKA ATAY, COUNCILMEMBER,
(dated January 5, 2018)

Relating to an Audit of the Department of Planning and the Development Services Administration's (DSA's) Permit Processes.

The recommended action is that County Communication No. 18-36 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-37 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated January 8, 2018)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2017.

The recommended action is that County Communication No. 18-37 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 18-33**

COUNCILMEMBER GUZMAN: Yes. Point of information. So, in regards to the County Communication 18-33, the resolution urging the Governor and the State of Hawaii Department of Transportation to temporarily suspend the Honoapiilani Highway improvements, Chair, just a question as to I, I do not need a two-thirds vote to waive the Council Rules. And, I would be able to at this point move this, or at least motion this to be called on to a vote.

But, after today's testimony, and after having our meeting with the Department of Transportation on Tuesday, it appears that they are willing to move forward in communications with us. I am also, in realization that the, the subject matter of the Keawe Street is within, is going to be heard this Monday in one, in IEM Committee as well.

But, at this point, I feel it was very important for us to make a statement to the State, especially during the time of the legislation as it opens, that we, this, this project is so important to Maui as a whole, it affects our economics, it affects our environment, it affects our culture. And, for them to, in a sense, wait until the last hour for us to make a move, it's disappointing. But yet, also, somewhat moving in the right direction, hopeful that there can be discussion.

I would like, at least at this point, since I cannot go to each of the Members and talk to them outside of the meetings in, in fear of Sunshine violations, I'm at a quandrum whether to go ahead and motion to vote on this matter today. And so, I ask that this, at least, Chair, if we could have a motion to at least discuss whether the Members would like to see this referred to Committee, or at least they need more information to, to absorb it, or they have enough information to at least make a sound decision if I were to motion for a vote today.

CHAIR WHITE: The, the Chair's feeling is that the efforts of both you and Ms. Cochran have, and the community, have brought the State to the table. Also, I know Mr. Goode has been involved in trying to come up with some solutions as well.

But, I think it's appropriate that we, since these actions have just taken place in the last couple of days, I think it's appropriate for this to be referred to Committee; give the State, and the community, and the two of you, and Ms. Cochran's meeting on Monday, time to further evaluate how the State is going to respond. That way we have the, the item in Committee, actually in two Committee's; one for the overall State project, and then the Keawe Street in particular. So, we have those available to us if it becomes necessary.

But, I think, I think we should err on the side of allowing the State to respond before we take further action. So, I don't know how the others feel, but I think it's appropriate for us to give them a little bit of time to take into account what you and Ms. Cochran, and the community, and Maui Tomorrow, and everyone else has discussed with them.

COUNCILMEMBER GUZMAN: Thank you, Chair. If, if I may, if I can ask the other Members whether they feel comfortable voting today; that they have enough information, or they would rather see this be referred considering the fact I do have options to take it up for a vote?

CHAIR WHITE: Any comments, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. I concur with your take on this situation currently. I think there's a lot of moving parts occurring, and, because of the push and the huge public outcry of West Maui, and in particular the Keawe Street area.

The State is, yea, they're stepping up; the State is hearing. And, as Mr. Perez testified, he and I both were at the State level talking just about this subject matter. And I, on my behalf, am willing to give them the benefit of the doubt. We spoke through and vetted through a lot of stuff. And no, I don't agree that they pursued this in a truly proper manner or thorough manner. But, we are here and I don't want to slam any doors of opportunities at any given moment. And right now, I feel like the opportunities are open, solutions are there. I'm, I'm trusting, as I say, and giving them the benefit of the doubt that everything we had discussed. And, again, Mr. Perez has a list of what we, what we talked about, and it will be in writing and they will have a written response in agreement to what we spoke about.

So, I am very confident and I'm, and I'm trusting that such a correspondence will hold a lot of weight for us and on their behalf to hold them accountable, to carry through, and push forward with these solution oriented answers that we had vetted. So, I'm okay, Chair. I mean, I would like to get through my Monday's meeting on IEM that is referencing Keawe.

And, every day I drive through that intersection also. And, any given moment, I am able to give them a ring and say, give them instant feedback. And, they said they will stop and address whatever comes up. They, we will not know until we open up the roads and, or do whatever the plan is stating. And, I agree with that.

So, I, again, you know, they, I have their word, but I'm going to put that in writing too, to make sure that their word is in black and white. So, I'm okay with referring at this time. Thank you, Chair.

CHAIR WHITE: Okay. Any other comments?

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. When we were up at the Legislature on Wednesday, many of our Legislators in the House and the Senate were already aware of Mr. Guzman's proposal. So, I think we already have their attention.

COUNCILMEMBER GUZMAN: Okay.

VICE-CHAIR CARROLL: And so, I would think we put it into Committee and we await for now. I think we'll be doing it, but we already have a good start. And, I think maybe you should keep it on the one to one level with different Members and Mr. Guzman talking, and me and some of the others. I think that might be more fruitful in the end. Thank you.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I, I also was in contact talking to Angus McKelvey. And, he said that he and Senator Baker were also meeting with DOT regarding this also. So, I, I think Member Carroll is correct in terms of Mr. Guzman making a impact. And as you could hear from the testimony today, he certainly has in his resolution.

And, I, I guess I was glad to hear that actually that the State DOT did reach out to the community. Maybe the outcome wasn't, you know, all what the community wanted at that time. But, there is an open dialogue going on, which is encouraging.

For Monday's meeting, the IEM, I was looking at the agenda. I don't see any State person there coming to testify or be part of the conversation. I was wondering if there's an opportunity to have somebody from DOT there.

CHAIR WHITE: Well that's, that's up to Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. I believe Mr. Sniffen's name is on there. But, when I spoke to them, it's the State of the State Address at the same time. So, no State officials better be on this island, they better be in front of the Governor at the time. So, I understand that he will be, hopefully, having a representative on his behalf here.

CHAIR WHITE: I would imagine Robin--

COUNCILMEMBER SUGIMURA: Shishido.

CHAIR WHITE: --would likely be here.

Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Actually, too, going through the halls of the Capitol, and especially hearing from our State Legislators from, on behalf of Maui, Mr. Guzman has made a major impact and, and concern with his resolution. So, I think if we can just go through the process, and if that's not going to make things happen where community.

You know, what, what is troubling to me is you have an EA that goes back to 1991, and you hear a planning commissioner say it's flawed. And, you hear him say, aw but I'll vote for it. It, it's insulting to the process. So, and, but there's the consideration that I, I believe the community has not been actually heard by listening to the numbers of testimonies that come, have come about.

But, I don't, you know, I think Mr. Guzman's resolution still has the opportunity for us to have its bypass, you know, if, if nothing's going to happen within Committee, you know. So, obviously in, in speaking with our State representatives, it's encouraging to have this resolution, because it, it's making them pay harder attention, especially those from that district.

CHAIR WHITE: Any further comments?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: If there is a vote this morning, I'm prepared to vote. But, also listening to the colleagues, I'm also aware of being prudent and patient, a Monday and Tuesday, and having the State be at the table to participate in a solution. So, I'm accepting of that. But, definitely, at the next regular meeting, we still should keep this matter alive, and if no resolution, to re-bring this up on the agenda. I mean, I, I'm ready to vote, but at the same time, to respect this process.

I too have been involved some seven, eight years ago in the planning process of the bypass that should take it further north beyond Keawe, and bring that highway out, out by Puukolii side. So, so to change that bypass concept to a highway realignment concept, I'm against that. So, I'm prepared to, to move forward and ask the County to be involved in an injunction. But, if the majority for now is to ask ourselves be patient, I'll be patient for two more weeks.

CHAIR WHITE: Thank you, Mr. Atay.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I, I agree with my colleague, Mr. Atay. But, you know, I have that same concern about how long it takes to get a resolution when it's, when we're hearing things like every month cost, the price of, of these repairs go up \$200,000. So, I would support, you know, if we get no movement on it, coming, bringing it back to Council so that we don't have to go through the whole Committee process and then Council again, because it takes a long time.

You know, maybe there's a way we can at some point get to a faster process but, you know, I know there's a balance between rushing things through. It's just that the, in urgent matters they are costing us money. Sometimes we're slowed down unnecessarily by, you know, these, the notice, and going through Committee, and then two more weeks before it gets to Council. So, I would support the idea of putting it on the next Council agenda for a possible vote.

But, I also wanted to point out that another opportunity to speak with the State about this would be the MPO meeting, which is next week. Unfortunately, I won't be there, because I told them when they scheduled it that I was going to be in Japan next week. But, you know, January 25, there's an MPO meeting at 9 a.m., and this, and that it does have the State DOT Director. Our new Director should be there, as well as Public Works and Planning.

And so, it's an opportunity to have a conversation, possibly, at least testify, you know. Other Councilmembers can come and testify, and people from the public can come and testify on this issue. And, and that was the reason for creating the MPO; was to bring the County and the State together on these issues and try to get us to work as one.

You know, it's unfortunate that this, this item, this particular Keawe Street item didn't come up before the MPO, before now. I don't know why. You know, this is my first year as a, as a Councilmember and on the MPO. But, that's what that organization, I think, is supposed to be doing is looking at these issues and doing better planning. So, hopefully moving forward, we can start getting wind of these, if there's any other issues like this and start handling them at that forum before, you know, have some communication going before it gets to where every Councilmember has to go meet with different legislators and different, you know, State administration officials separately.

CHAIR WHITE: I would just suggest to, that we allow this resolution to move through to Committee, because I'm guessing that over the next couple of weeks, if there are still challenges, that Mr. Guzman may want to amend the, you know, change the, the items in the resolution. And, he can, we can easily post a new resolution on the next Council agenda.

So, Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, thank you very much. I really appreciate the point of information. And, I, I appreciate, I truly appreciate my colleagues at this stage, because I, I didn't know what, whether I should go ahead and motion. But, it appears I will respect my, the majority of my Members and allow it to go to referral.

I also appreciate the fact that Ms. Cochran will be addressing the Keawe Street on Monday, and the other items, southern terminus, the rest of the project will go to PEA, which I believe is the source of, basically, the County needs to step up and also at least bring to the table that we own those portions of the property, over 300 acres near that Lower H`piilani that possibly there could be some type of working together that we could maybe convey or allow them to realign that section of the road more mauka. That's our property, but the, but things need to be worked out. And, I, and I really appreciate the fact that these two items are in two different Committee, Committees, and they'll be working on them simultaneously.

So, if I can get a reassurance from Ms. Sugimura that she will allow this to be heard in her Committee, I would be more than gladly to waive the, and allow it to pass through.

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR WHITE: Okay. Any further discussion on this. Any other concerns about referrals as read by the Clerk?

Seeing none, let's move onto the next item, Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with general communications.

GENERAL COMMUNICATIONS

NO. 18-1 - ERIN MUKAI, MUNEKIYO HIRAGA,
(dated January 5, 2018)

Submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 5, 2018" in accordance with Condition 22 of Ordinance 3613.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO FILE GENERAL COMMUNICATION REPORT 18-1.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. This report, or this annual compliance report for Condition 22 of Ordinance 3613, there is no action needed to be taken. The report is available for all Members to review. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-7 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-5, entitled "RELATING TO THE APPOINTMENT OF LEONORA ESPANIOLA TO THE MOLOKAI PLANNING COMMISSION," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Could I also ask the Clerk if he could read 18-1, the next item?

COUNCILMEMBER CRIVELLO: Eight.

CHAIR WHITE: I'm sorry, what was the request?

COUNCILMEMBER SUGIMURA: I'm sorry, 18-8. Sorry about that.

CHAIR WHITE: Thank you. I was thinking, okay, I'm not sure what 18-1 is, but.

Mr. Clerk.

COMMITTEE REPORT

NO. 18-8 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-6, entitled "RELATING TO THE APPOINTMENT OF LESLIE-ANN YOKOUCHI TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE
REPORT 18-7 AND 18-8.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on January 4, 2018, to consider the nomination of Leonora Espaniola to the Molokai Planning Commission for a term expiring March 31, 2021, to fill the vacancy due to the resignation of Robert Stephenson.

The Council must approve or disapprove the nomination by January 23, and the nomination was deemed approved.

Your Committee did not request to interview the nominee.

And, through discussion, Ms. Espaniola, Espaniola's involvement in the community as a small business owner on Molokai, with prior experience serving on community boards. Born and raised on Molokai, she understands the needs of the community, and I think will be a great addition to the Molokai Planning Commission. Your Committee voted 7-0 to recommend the adoption.

The next item is your, your Committee met on the same day of January 4, and also considered the nomination of Leslie-Ann Yokouchi for the Liquor Control Commission, for a term expiring on March 31, 2021.

And, we did approve Ms. Yokouchi. And, was really enlightening to find out not only is she a very successful business person, but she also has a Master's Degree in Education, so she's very well-rounded. And, I think she'll bring a important perspective to the Liquor Commission as we move forward.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. So, Chair, I respectfully request for the Council to support both motions. Thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, for Committee Report 18-7, RESOLUTION 18-5.
And for Committee Report 18-8, RESOLUTION 18-6

COMMITTEE REPORT

NO. 18-9 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending the following:

1. That Bill 6 (2018), entitled "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8.20, MAUI COUNTY CODE, TO PROHIBIT SMOKING IN VEHICLES WHEN PERSONS UNDER THE AGE OF EIGHTEEN ARE PRESENT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-319, from Councilmember Yuki Lei K. Sugimura, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-9.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on September 18, 2017, January 4, 2018, to consider the proposed bill to amend Chapter 8.20, Maui County Code, to prohibit smoking in vehicles when persons under the age of 18 are present.

The purpose of the proposed bill is to prohibit smoking in vehicles when minors under 18 years of age are present, thus reducing the minors' exposure to second-hand smoke.

As you know, our sister counties, Hawaii, County of Kauai, and most recently City and County of Honolulu also passed similar legislation protecting youth from harmful effects of second-hand smoke.

Your Committee recommended revising the smoking prohibition to apply to motor vehicles operated on public roadways, or private roadways, open to the public. Your Committee recommended including an enlarged definition of "smoke" or "smoking," similar to the definition placed for bus stops, to mean "inhaling, exhaling, burning, or carrying any lighted or heated tobacco product and plant products intended for inhalation in any manner or any form," including the use electronic smoking devices.

Your Committee also recommended the current fine of \$200, which it was 25 to 50 to stand as a violation. I will let you know that the students who were in attendance in that January 4, meeting were very pleased with that, and thanks the Council for increasing the fine to \$200. Your Committee voted 8-0 to recommend passage of the revised proposed bill, and filing of the communication.

I'd like to also thank Member Crivello for letting me take her time on the January 4, meeting on that day to take this up, because the meeting was planned around the time

the kids were off from school. It was their spring break, sorry, Christmas break. So, I wanted to give special thanks to everybody for kokuaing and, you know, letting me move around the meeting date.

At this time, I'd like to respectfully ask for the Council's support of this motion. And, I wish all the kids were here to hear this. But, thank you, Chair. And, I would ask for your support.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any further discussion on this item? I'm surprised there's no discussion.

I will, I will just say that hearing Mr. Kapu say that he was hassled by his grandkids and finally quit smoking; my siblings and I hassled my father for years, and he finally quit smoking when I, I think I was in the, I was about 12 years old. But, the thing that I find unfortunate with the, with us having to do something like this is that we're, we're really passing a law to ask parents to protect their own children, or their relatives, or their friends who are traveling in a vehicle with them.

And, Mr. Kamaunu brings up a good point; we are somewhat intruding. And, I believe Mr. Guzman added to the bill that this, there was some additional provisions that pointed out that this is not just a, this is a moving vehicle hazard, because smoking in the vehicle is a distraction.

But, I, I fully support it, because I think we owe it to the kids. As Mr. Atay said, a big part of our job is to protect those that can't speak on their own behalf. So, I'm happy to support it. I know you all support it as well.

So, with that, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Hokama, who I'm sure would've been happy to be here, but unfortunately not be able to.

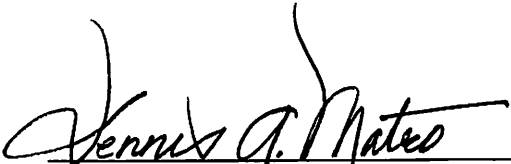
Mr. Clerk.

COUNTY CLERK: For the record, BILL 6 (2018). Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And, with that Members, I want to thank you for being here this morning, and thank you for your attention. And, we are now adjourned.

ADJOURNMENT

The regular meeting of January 19, 2018 was adjourned by the Chair at 11:43 a.m.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

RECEIVED

2018 JAN 19 AM 7:42

OFFICE OF THE
COUNTY CLERK

January 18, 2018

Maui County Council

RE: Testimony in Support of the Honoapiilani Highway Bypass Injunction

Dear Members of the Maui County Council:

I support Councilmember Guzman's proposed resolution to temporarily suspend the Honoapiilani Highway Phase 1B-2 connection at Keawe St until the traffic concerns are resolved.

That being said, I want to encourage everyone of us who is opposed to or deeply concerned about realigning the highway from Lahaina all the way to the Pali to understand the reality of the situation. We all need to take time to visit the Hawaii Sea Level Rise Viewer at pacioos.hawaii.edu. You will see a map viewer, choose Maui and click on the **Flooded Highways** checkbox and select **one of four sea level projections** (1 foot is anticipated by 2050, 3-6 feet by the end of the century). Also click the beaches checkbox to see where our beach reserves are. You will see a blue line highlighting which parts of the existing highway will be underwater under those conditions. What is clear is that almost the entire highway from Lahaina to the Pali will be underwater in the next 30 years.

If you insist on keeping this highway, then you have only one option, holding the line with seawalls. Not 3 foot seawalls where waves crash over like we see at Ukumehame, but 8 - 10 foot seawalls if you want to protect motorists. What happens to your beach and coastal access with a 10-foot seawall? You give that up. Those of us who absolutely refuse to give up the current highway need to understand this and HDOT needs to do a better job at explaining this.

The alternative is to retreat, realign the highway mauka. The fears of doing this are legitimate, losing coastal access and development makai of the realigned highway. However, what most of you may not know is almost all the lands occurring makai of the realigned highway from the Pali to Puamana are County or State owned and designated open space and park, for exactly that purpose, to provide coastal access to everyone, in perpetuity. This is what is known as the Pali to Puamana Parkway Plan and the County has to do a better job at explaining this to the public.

If you want to preserve your beaches and coastal access from the Pali to Puamana, for fishing, snorkeling, diving, cultural practices, if you want to access your favorite surf spots without having to cross a busy highway with your surfboard, if you want to commute to and from the west side without waves crashing onto your vehicle, if you want more parks and places to camp along the coast, for everyone, forever, then you need to support the realignment from the Pali to Puamana.

DEAKOS
MARK DEAKOS
NAPILI, HAWAII 96761
REFUSED

Refusing to retreat leaves only one option, and that's choosing to hold the line with coastal armoring and give up the beach, as we have done over the past 30 years in Lahaina, Wahikule, Kaanapali, Kahana and Napili.

Thank you,

A handwritten signature in black ink, appearing to read "Mark Deakos". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Deakos".

Mark Deakos
Napili

RECEIVED

2018 JAN 18 PM 12:18

OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Katie Folio, the Hawai'i Public Health Institute and the Coalition for a Tobacco-Free Hawai'i
Date: January 19th, 2018
Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Aloha Chair White and honorable members of the council, my name is Katie Folio and I am submitting this testimony on behalf of the Maui, Molokai, and Lana'i Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute, in strong support of PEA-41, which would prohibit smoking in vehicles when persons under the age of 18 are present. We are a non-profit organization working to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts in order to reduce tobacco-use in the State of Hawai'i. The Coalition and it's many partners strongly support this measure as a positive step towards protecting the *keiki* of Maui County.

I would like to sincerely thank the Policy, Economic Development, and Agriculture committee, and all of you as its members, for passing PEA-41 through committee, and for the work you did during that meeting to make this proposed bill even stronger. I now ask that you please continue to support this bill and pass it through first reading today, because the *keiki* of Maui County are still counting on you to help protect them from exposure to secondhand smoke in vehicles.

The dangers of exposure to secondhand smoke are well documented by scientists, and health authorities around the world agree that there is no risk-free level of exposure to secondhand smoke, even brief exposure can cause immediate harm. The only way to fully protect non-smokers and children from harm is to eliminate smoking in enclosed spaces, including vehicles.

Unfortunately, most smoking laws that help to protect the public from secondhand smoke fail to protect children in the two settings where they are most vulnerable, in their homes and private vehicles. Leading medical associations including the American Academy of Pediatrics and major health advocacy organizations including the American Lung Association, have concluded that public policies are needed to protect nonsmokers, particularly children and youth, from exposure to tobacco smoke in vehicles. In addition, a recent study found that, "Smoking in vehicles also appears at higher rates among socioeconomically disadvantaged populations, and thus, may contribute to inequalities in secondhand smoke attributable health outcomes" (Kruger et al. 2016).

One concern sometimes raised is that measures such as these infringe on personal rights. However, smokers are not recognized as a specially protected group under our constitution and there is no constitutional right to smoke. The right to health, however, is recognized by the World Health Organization. Kids have the right to breathe clean air. Unfortunately, we need laws like this one to protect that right.

Eighty-three percent of Maui County residents support a law that would prohibit smoking in vehicles when a minor is present. It's time Maui County join the rest of the state and put these protections in place for our kids.

Finally, please don't forget that smoking remains the *number one* cause of preventable disease, disability, and premature death *in the world*. The tobacco industry would like you to forget that tobacco kills more Americans every year than alcohol, car accidents, suicide, AIDS, homicide, and illegal drugs COMBINED. So please pass PEA-41 through its first reading today to prohibit smoking and the use of electronic cigarettes in motor vehicles when a minor is present.

Mahalo nui loa for the opportunity to provide testimony.

Katie Folio
Community Coordinator
Maui, Molokai, & Lana`i
C: 510-725-0111
W: 808-591-6508 x9, then 6
<http://www.hiphi.org>



References:

Judy Kruger et al., *Smoke-Free Rules and Secondhand Smoke Exposure in Vehicles among U.S. Adults – Nat'l Adult Tobacco Survey, 2009–2010 and 2013–2014*, 13(11) Int. J. Environ. Res. Pub. Health 1048 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5129258>.

Susan R. Weisman, Public Health Law Center, *Kids, Cars and Cigarettes: Policy Options for Smoke-Free Vehicles* (2017). Public Health Law Center. St. Paul, Minnesota.

Ctrs. for Disease Control & Prev., *Fact Sheet, Secondhand Smoke*, CDC (2017), http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm.

Tobacco Control Policy and Legal Resource Center of NJ GASP (Global Advisors on Smokefree Policy), *Smoke-free Vehicles When Children are Present* (2015), Summit, New Jersey.

Katie Folio
510725011

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Katie Folio, the Hawai'i Public Health Institute and the Coalition for a Tobacco-Free Hawai'i
Date: January 19th, 2018 ^{CR-18-9}
Re: STRONG SUPPORT for ~~PEA-41~~^{CR-18-9}, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Aloha Chair White and honorable members of the council, my name is Katie Folio and I am submitting this testimony on behalf of the Maui, Molokai, and Lana'i Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute, in strong support of ~~PEA-41~~^{CR-18-9}, which would prohibit smoking in vehicles when persons under the age of 18 are present. We are a non-profit organization working to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts in order to reduce tobacco-use in the State of Hawai'i. The Coalition and it's many partners strongly support this measure as a positive step towards protecting the *keiki* of Maui County.

I would like to sincerely thank the Policy, Economic Development, and Agriculture committee, and all of you as its members, for passing ~~PEA-41~~^{CR-18-9} through committee, and for the work you did during that meeting to make this proposed bill even stronger. I now ask that you please continue to support this bill and pass it through first reading today, because the *keiki* of Maui County are still counting on you to help protect them from exposure to secondhand smoke in vehicles.

The dangers of exposure to secondhand smoke are well documented by scientists, and health authorities around the world agree that there is no risk-free level of exposure to secondhand smoke, even brief exposure can cause immediate harm. The only way to fully protect non-smokers and children from harm is to eliminate smoking in enclosed spaces, including vehicles.

Unfortunately, most smoking laws that help to protect the public from secondhand smoke fail to protect children in the two settings where they are most vulnerable, in their homes and private vehicles. Leading medical associations including the American Academy of Pediatrics and major health advocacy organizations including the American Lung Association, have concluded that public policies are needed to protect nonsmokers, particularly children and youth, from exposure to tobacco smoke in vehicles. In addition, a recent study found that, "Smoking in vehicles also appears at higher rates among socioeconomically disadvantaged populations, and thus, may contribute to inequalities in secondhand smoke attributable health outcomes" (Kruger et al. 2016).

One concern sometimes raised is that measures such as these infringe on personal rights. However, smokers are not recognized as a specially protected group under our constitution and there is no constitutional right to smoke. The right to health, however, is recognized by the World Health Organization. Kids have the right to breathe clean air. Unfortunately, we need laws like this one to protect that right.

Eighty-three percent of Maui County residents support a law that would prohibit smoking in vehicles when a minor is present. It's time Maui County join the rest of the state and put these protections in place for our kids.

Finally, please don't forget that smoking remains the *number one* cause of preventable disease, disability, and premature death *in the world*. The tobacco industry would like you to forget that tobacco kills more Americans every year than alcohol, car accidents, suicide, AIDS, homicide, and illegal drugs COMBINED. So please pass ~~PEA-41~~^{CR-18-9} through its first reading today to prohibit smoking and the use of electronic cigarettes in motor vehicles when a minor is present.

Mahalo nui loa for the opportunity to provide testimony.

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References:

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Susan R. Weisman, Public Health Law Center, *Kids, Cars and Cigarettes: Policy Options for Smoke-Free Vehicles* (2017). Public Health Law Center. St. Paul, Minnesota.

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Tobacco Control Policy and Legal Resource Center of NJ GASP (Global Advisors on Smokefree Policy), *Smoke-free Vehicles When Children are Present* (2015), Summit, New Jersey.

Untitled

Jaedon Galicinao <Jaedon.Galicinao@imua.ksbe.edu>

Thu 1/18/2018 2:19 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair The Honorable Robert Carroll, Vice Chair Honorable Members of the Maui County Council Fr: Jaedon Galicinao, Kamehameha Schools Maui Date: Ianulani 18, 2018 Re: SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor ***Aloha, I thank you for the opportunity to submit a testimony in support of PEA-41 which will be “Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present”. I support the PEA-41 “Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present”. I support this because i know family members that smoke cigarettes and vape. Some of the effects that smoking and vaping have on people are second hand smoke and third hand smoke. Exposure to second-hand smoke can cause eye, nose and throat irritation. It can also cause headaches, dizziness, nausea, coughing and wheezing. Second hand smoke can worsen symptoms in people with allergies or asthma. Long term exposure to smoking or vaping lead to heart disease and cancer. Not only is it hazardous and harmful to adults, young teens and children but as well as be a distraction for a driver in the car behind them. For example, say there’s an adult smoking or vaping in a car and behind that car is a family with a car with a broken air condition so they have to use the outside air. Although that the air outside may be clean, the person in front smoking, blows the air out into the air outside then leading into the family’s car. What can we do to help this problem? What if the people smoking have no children in the car? Should we just ban smoking in cars? *** Mahalo, Galicinao, Jaedon Wailuku HI 96793

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2018 JAN 18 PM 2:23
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COUNTY CLERK

Untitled

Breeana Anguay <Breeana.Anguay@imua.ksbe.edu>

Thu 1/18/2018 11:47 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

RECEIVED

2018 JAN 18 AM 11: 53

OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council

Fr: Breeana Anguay, Kamehameha Schools Maui

Date: January 19, 2018

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

I strongly support PEA-41. Smoking in vehicles is not only dangerous for the the driver and the minors who are in the car, it can be dangerous for other people who would be traveling on the road. If you are smoking in the car with the windows up and the smoke gets trapped in the car it can cause the driver to lose their vision. It can cause a car accident, which is 5 times more harmful and can cause more to you and the child. Every year about 5,000 kids under the age of 18 die every year from secondhand smoke. Second hand smoke causes numerous health problems in infants and children, including more frequent and severe asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome. Minor lungs are more smaller and still developing than adults lungs, it's easier for the adult to inhale the smoke and not get hurt by it, but children on the other hand can get hurt from the smoke easier. Us kids are the future generation of our community. The kids in the community shouldn't have to pay the price of getting asthma, infections, or even death just because someone in their family choices to make the wrong decision.

People say that vaping shouldn't be apart of this bill but I disagree with that. My reason for it to be apart of it is because most contain the chemical nicotine, which is very addictive. The nicotine in the vape can harm the developing brains of kids and could affect memory and attention. It's not only nicotine that can be in the liquid of the vape but there's other chemicals such as formaldehyde often used in building materials and another ingredient used in antifreeze that can cause cancer. But since the nicotine is also very addictive it can get that minor into smoking those chemicals. We are the future generation this is why i think that this bill should get passed

Mahalo,

Breeana Anguay
Kahului, HI, 96732

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PEA-41 Testimony

RECEIVED

2018 JAN 18 PM 2: 07

Elizabeth Kuhlmann <Elizabeth.Kuhlmann@imua.ksbe.edu>

Thu 1/18/2018 1:44 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Elizabeth Noelani Kuhlmann, Kamehameha Schools Maui
Date: 1/18/18
Re: Strong support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Aloha. I strongly support PEA-14 because many children in our community suffer from this problem. Ever since I was little, I was aware of the dangers of smoking. My grandpa used to smoke, and it took a large toll on his health. It is because of me and my little sister that he was inspired to stop smoking. I strongly believe that, like me and my sister, the people of Hawai'i can also inspire others to stop smoking while minors are present. I think that this law will dramatically improve the health of our county's children and create a healthier Hawai'i. I hope that you will pass this bill so the keiki o ka 'āina, the children of this beautiful land and the generations afterward are protected from the dangers of secondhand smoke.

Mahalo,

Elizabeth Noelani Kuhlmann
Makawao, HI

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To: Mike White, Chair
Maui County Council

From: Albert Perez, Executive Director
Maui Tomorrow Foundation

Re: CR 18-33: URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF
TRANSPORTATION TO TEMPORARILY SUSPEND THE HONOAPIILANI HIGHWAY IMPROVEMENTS,
KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE 1B-2 PROJECTS

Date: January 19, 2018

Aloha Chair White and members of the Council,

Maui Tomorrow is in PARTIAL SUPPORT of the proposed resolution.

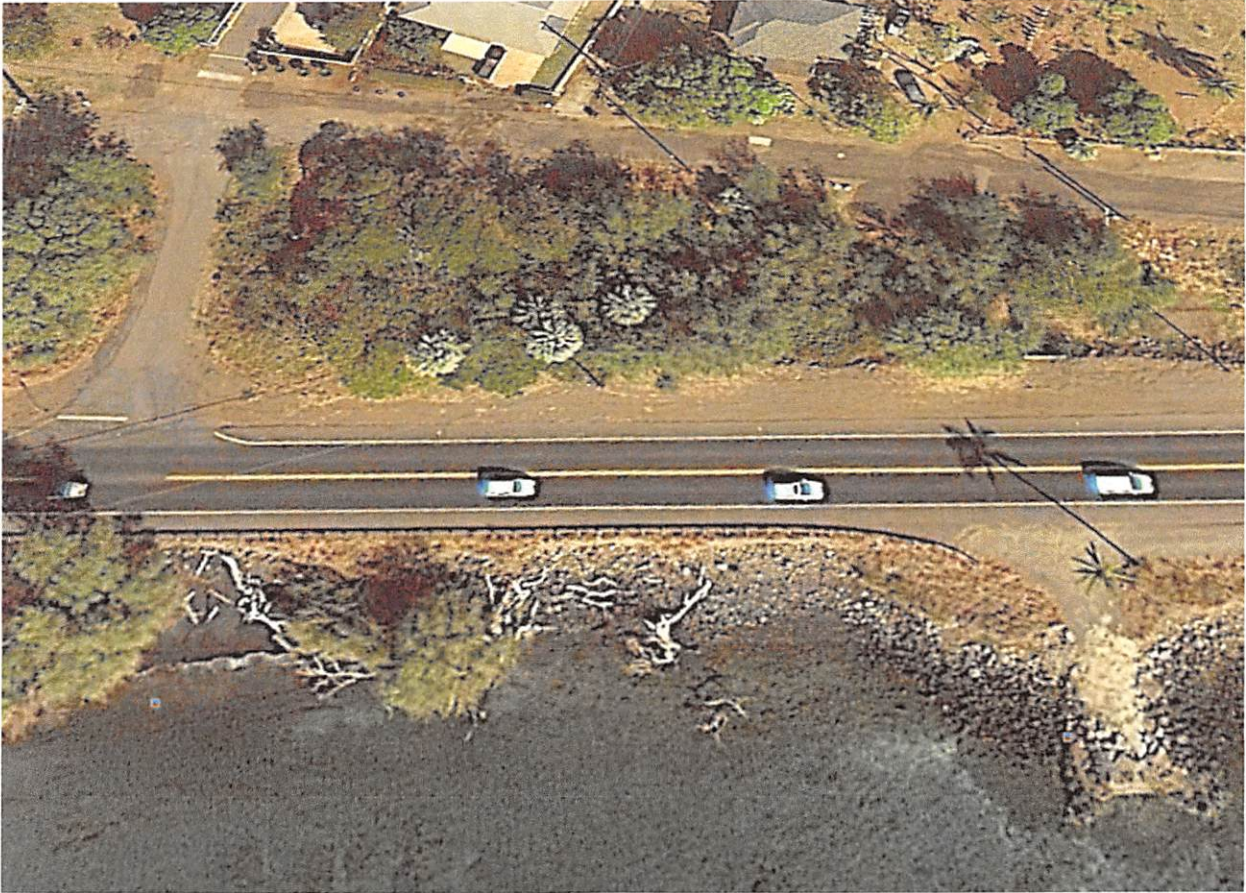
It is clear that the West Maui community has not been kept informed regarding the proposed changes at the intersection of Honoapi`ilani Highway with Keawe Street. However, I also believe that there are some misconceptions about the changes that are underway.

I met with DOT on Tuesday in Honolulu in an attempt to understand this situation better. Based on what I learned, the current project is not as bad as I had feared, especially if a few improvements are made. I can share those with the Council today or later.

I do believe DOT should call a timeout for more communication/education, so I support that part of the resolution, but I do not support the part that calls for keeping the existing coastal highway as a two-way thoroughfare. Due to sea level rise, parts of that roadway will soon be in the ocean. With our limited funds, we should not spend money fighting a losing battle. Every month of delay on the 1B-2 project adds an additional \$200,000 to its cost. This money comes out of funds available for transportation projects all over Maui, such as the Paia bypass.

A two-week suspension would be advisable so that people can come to a better understanding of the 1B-2 project, but time is of the essence in addressing the southern realignment. Every part of this highway is dependent on the portions to the south being in passable.

The highway pavement near Mile Marker 14 (just south of Camp Olowalu, across from Kapaiki Village, is already undermined several feet by erosion; the guardrail is hanging in the air. One of these days, the southbound lane is going to collapse under a heavy vehicle, and we will be lucky if it does not roll into the ocean.



Near Milemarker 14, erosion has already undermined the pavement by several feet, almost to the southbound travel lane. The roadway here is in danger of collapse under the weight of heavy vehicles.



At left center of this photo, the guardrail supports are hanging in the air. Temporary erosion control bags have been scattered by wave action.

Building seawalls at these erosion hotspots is not the answer. Sea level rise will cause any such efforts to be very expensive and ultimately futile in the long run. Shoreline hardening will also cause our beaches to disappear along with our ocean resources and cultural practices. If we do not support DOT in prioritizing the southern extension of the bypass between Olowalu and the Pali, we will end up with a situation where West Maui residents will have trouble getting to the bypass at all.

And for heaven's sake, please stop approving new development in West Maui. We are clearly past the carrying capacity of our highway, and the injection wells there have already killed half the reef.

Mahalo.

RECEIVED

2018 JAN 16 PM 3: 24

OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: John A. H. Tomoso +, MSW, ACSW, LSW
Coalition for a Tobacco Free Hawai'i - Maui
Date: January 16, 2018
Re: Continuing Strong Support for **PEA-41**, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200S High Street – 8th floor

I again strongly support **PEA-41**, which will, if passed, see the prohibition, in Maui County, of smoking in a motor vehicle when a minor under the age of eighteen is present.

As a matter of public health and public policy, we need to protect our children from secondhand smoke. Secondhand smoke in a car can be up to ten times more toxic than what the EPA considers hazardous air quality, even when a window is down. Every day, thousands of children breathe in secondhand smoke in their own homes, in their social environments and in cars daily. Inhaling secondhand smoke is especially harmful because children's lungs are still developing. Every time they inhale secondhand smoke, they breathe in 7,000 chemicals, 200 of which are poisonous, and 50 are known to cause cancer.

Regular exposure to secondhand smoke can cause children to miss school and even require trips to the hospital. Inhaling toxic smoke compromises their ability to perform well in school and in their engagement in physical activity; in organized pursuits, including sports.

Smoke-free car laws just like child safety seats, seat belts, and no cellphone use while driving, help to protect the health and safety of our children, and these laws are enforced in similar ways. Passing smoke-free cars into law will help decrease; I believe significantly, our children's exposure to secondhand smoke and educate parents and other adults about the dangers of smoking in a car when a minor is present.

Just as Maui County has been protecting the public and its visitors from the dangers of secondhand smoke, in its public settings, both inside and in the outdoors, I am asking you to protect our children and young people, those to whom we pass on social, cultural and environmental legacies, from the harmful impacts of smoking in a vehicle. I respectfully ask that you pass **PEA-41** and eliminate smoking of cigarettes **and** use of electronic smoking devices in cars when a minor is present in Maui County.

Mahalo a nui,

John A. H. Tomoso +
51 Ku'ula Street
Kahului, Maui, HI 96732-2906
808-280-1749
john.a.h.tomoso@gmail.com

CC: CTFH-Maui ListServ
HPHAADMIN/BOARD

Council Meeting Friday from Jim Foster Lahaina Resident 1-16-18

RECEIVED
2018 JAN 16 PM 3:25

Jim Foster <jim@jamesbfoster.com>

OFFICE OF THE
COUNTY CLERK

Tue 1/16/2018 12:08 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Donald S. Guzman <Donald.Guzman@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Mike White <Mike.White@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Mayors.Office@co.maui.hi.us <Mayors.Office@co.maui.hi.us>;

📎 2 attachments (2 MB)

Council Agenda.pdf; Resolution CC 18-33.pdf;

Good Morning, The County Council is meeting this Friday and you have an item on your agenda proposed by councilmember (and candidate for Mayor) Don Guzman, to urge the State to temporarily suspend the work planned to start TODAY at the intersection of Keawe Street and Honoapiilani Hwy and at the southern end of the "bypass".

Please see the attached. This will have a big negative effect on everyone in the West Maui community and also the tourist who will be visiting West Maui. The plan is based on outdated information compiled in Honolulu by people who NEVER drive in this already congested area. It needs more and better review.

The traffic and infrastructure issues in West Maui are major and are only going to continue to increase.

Why the development and construction approvals continue to be issued with impact mitigation fees and requiring infrastructure be provide prior to the development permits is difficult to understand.

Please request that the State temporarily suspend the work so the community can provide more input and there is better review.

Thank you for your consideration and action, Jim

Jim Foster
Chase N' Rainbows Real Estate, Inc.
PO Box 10398
Lahaina, HI 96761
Office 808-661-7994
Cell 808-870-5858
Fax 808-667-2957
Email Jim@JamesBFoster.com
Real Estate Sales www.JamesBFoster.com
Vacation Rental www.WestMauiCondos.com

Council of the County of Maui

A G E N D A

Regular Meeting of January 19, 2018

9:00 AM

Meeting Site:

Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites:

Hana Council District Office - Hana Community Center, 5091 Uakea Road, Hana, Hawaii

Lanai Council District Office - Lanai Community Center, 8th Street, Lanai City, Hawaii

Molokai Council District Office - 100 Ainoa Street, Kaunakakai, Hawaii

website: www.co.maui.hi.us/Archive.aspx?AMID=226

email: county.clerk@mauicounty.us

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.

REMOTE TESTIMONY SITES: Oral testimony may be received from each of the Council district offices noted above. If the connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. 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

COUNCILMEMBER RIKI HOKAMA

B. OPENING REMARKS:

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

M-171117 Regular Meeting of November 11, 2017

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

CC 18-22 CHIEF OF POLICE, informing of the receipt of \$3,787.75 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

CC 18-23 CHIEF OF POLICE, transmitting a copy of a 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 \$46,599.

CC 18-24 PROSECUTING ATTORNEY, transmitting a notice of grant award from the State of Hawaii, Department of Transportation for the Highway Safety Grant Program in the amount of \$8,490.

CC 18-25 DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 4-C-3, in conjunction with the Haleakala Homesteads Subdivision, TMK: (2) 2-4-013:199 POR.

CC 18-26 DIRECTOR OF FINANCE, transmitting "MAUI COUNTY CODE SECTION 3.44.015(I) ACQUISITIONS WITHOUT COUNCIL APPROVAL CALENDAR YEAR 2017".

CC 18-27 MANAGING DIRECTOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Kealoha Laemoa.

CC 18-28 CHAIR, MAUI LIQUOR CONTROL COMMISSION, transmitting the annual review and evaluation of the Director of Liquor Control.

CC 18-29 BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF

FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)*:

- 2. Acknowledgement of Base Rent Schedules Short-Term Leases; and
- 3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

CC 18-30 COUNTY AUDITOR, transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2017, submitted by N&K CPAs, Inc.

CC 18-31 COUNTY AUDITOR, transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2017 and 2016, submitted by N&K CPAs, Inc.

CC 18-32 COUNCILMEMBER ATAY, relating to Exploring the Development Services Administration's (DSA's) Twenty-nine (29) Minute Permit Processing Model as a Template.

CC 18-33 COUNCILMEMBER GUZMAN, transmitting a proposed resolution entitled "URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION TO TEMPORARILY SUSPEND THE HONOAPIILANI HIGHWAY IMPROVEMENTS, KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE 1B-2 PROJECTS".

CC 18-34 PLANNING DIRECTOR, transmitting a Conditional Permit application submitted by Maui Dragon Fruit Farm LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4295 (2016), GRANTING MAUI DRAGON FRUIT FARM LLC A CONDITIONAL PERMIT TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT CERTAIN SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT AND TO ALLOW THE TRANSIENT VACATION RENTAL (TVR) OF A TWO BEDROOM FARM DWELLING IN THE COUNTY AND STATE AGRICULTURAL DISTRICTS ON AN APPROXIMATELY 3.0 ACRE PORTION OF A 27.528 ACRE PARCEL OF LAND, LOCATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII".

CC 18-35 DEPUTY DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF A PORTABLE ECO-COUNTER MOBILE MULTI COUNTING DEVICE TO THE DEPARTMENT OF PUBLIC WORKS, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

CC 18-36 COUNCILMEMBER ATAY, relating to an Audit of the Department of Planning and the Development Services Administration's (DSA's) Permit Processes.

CC 18-37 DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2017.

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

RECEIVED

2018 JAN 12 AM 11:58

OFFICE OF THE
COUNTY CLERK

January 12, 2018

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: RESOLUTION URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION TO TEMPORARILY SUSPEND THE HONOAPILANI HIGHWAY IMPROVEMENTS, KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE 1B-2 PROJECTS (PAF 18-004)

May I request the attached proposed resolution, entitled "RESOLUTION URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION TO TEMPORARILY SUSPEND THE HONOAPILANI HIGHWAY IMPROVEMENTS, KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE 1B-2 PROJECTS," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Don S. Guzman".

DON S. GUZMAN
Councilmember

paf:mcc:18-004b

Enclosure

COUNTY COMMUNICATION NO. 18-33

Resolution

No. _____

**URGING THE GOVERNOR AND THE STATE OF
HAWAII DEPARTMENT OF TRANSPORTATION
TO TEMPORARILY SUSPEND THE
HONOAPIILANI HIGHWAY IMPROVEMENTS,
KAPUNAKEA TO KEAWE, AND LAHAINA
BYPASS PHASE 1B-2 PROJECTS**

WHEREAS, on December 14, 2017, the State of Hawaii Department of Transportation (“HDOT”) announced updates to adjust traffic conditions at the intersection of Honoapiilani Highway and Keawe Street in a project entitled “Honoapiilani Highway Improvements, Kapunakea to Keawe”; and

WHEREAS, the project proposes eliminating an existing northbound lane on Honoapiilani Highway toward Kaanapali to add a continuous right turn lane, and increasing traffic flow onto Keawe Street by adding an additional left turn lane off of Honoapiilani Highway; and

WHEREAS, HDOT also announced plans to redirect traffic from the existing Honoapiilani Highway onto the mauka bypass beginning in March 2018 upon the completion of the “Lahaina Bypass Phase 1B-2” project; and

WHEREAS, the purpose of the Lahaina bypass project is to relieve traffic congestion for residents and visitors by providing multiple options for through traffic to and from West Maui; and

WHEREAS, HDOT proposes the projects will direct an estimated 70 percent of traffic through the Lahaina Bypass from Olowalu to Keawe Street; and

WHEREAS, previous traffic estimates may not account for the addition of recent development such as the 114 - condo unit Opukea residential complex; the 22-acre, 203 unit residential Kahoma Village subdivision; the Kahoma Homes residential subdivision; a new Walgreens; the mauka expansion of the Keawe Business Center; the 30-acre, 600-unit Honua Kai Resort and Spa; the 26-acre Westin Kaanapali Ocean Resort Villas Timeshare complex, which are all in close proximity to Keawe Street; and areas north of Keawe Street; and

Resolution No. _____

WHEREAS, redirecting traffic from the existing Honoapiilani Highway and increasing the flow of traffic at the intersection of Honoapiilani Highway and Keawe Street will have critical impacts on residents, visitors and businesses, creating gridlock and safety concerns; and

WHEREAS, the projections of use and the design as referenced in "Exhibit A", will highly impact the proposed feeder-roads, including County-owned Keawe Street and Lahainaluna Road, and privately owned Hokiokio Place and Kai Hele Ku Street; and

WHEREAS, time is of the essence to press pause due to the HDOT announcement that construction work at the Keawe street and Honoapiilani Highway intersection will commence on Tuesday, January 16, 2018; and

WHEREAS, previous planning documents did not include information relating to the proposed traffic changes for sufficient public review and input; and

WHEREAS, pursuant to section 46-1.5, Hawaii Revised Statutes, the County has the power to sue and be sued in its corporate name; and

WHEREAS, the County may seek injunctive relief pursuant to Rule 65, Hawaii Rules of Civil Procedure, to allow time for all stakeholders to discuss possible alternatives; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby urge the Governor and the Hawaii Department of Transportation to temporarily suspend the Honoapiilani Highway Improvements, Kapunakea to Keawe, and Lahaina Bypass Phase 1B-2 Projects; and
2. That it proposes to work with the Governor and Hawaii Department of Transportation to retain and preserve the coastal two-way Honoapiilani Highway as a transportation thoroughfare ; and

Resolution No. _____

3. That if the Hawaii Department of Transportation does not agree to voluntarily suspend construction that it may consider the filing of an injunction pursuant to Rule 65, Hawaii Rules of Civil Procedure; and
4. That certified copies of this resolution be transmitted to the Honorable David Ige, Governor, State of Hawaii; Senator Brian E. Schatz; Senator Mazie K. Hirono; Representative Tulsi Gabbard; Representative Colleen Hanabusa; Senator Rosalyn H. Baker; Senator Kalani J. English; Senator Gilbert S.C. Keith-Agaran; Representative Lynn DeCoite; Representative Kaniela Ing; Representative Angus L.K. McKelvey; Representative Joseph M. Souki; Representative Justin H. Woodson; Representative Kyle T. Yamashita; Director, Hawaii Department of Transportation; the Honorable Alan M. Arakawa, Mayor, County of Maui; the Director of Public Works, County of Maui; and the Director of Transportation, County of Maui.

APPROVED AS TO FORM AND LEGALITY

**Deputy Corporation Counsel
County of Maui**

paf:mcc:18-004c

I Support Guzman Resolution CC 18-33

RECEIVED
2018 JAN 16 PM 3:25
OFFICE OF THE
COUNTY CLERK

Erik <erik@extendedhorizons.com>

Tue 1/16/2018 7:39 AM

To: County Clerk <County.Clerk@mauicounty.us>; "don.guzman@mauicounty.us; elle.cochran@mauicounty.us; mike.white@mauicounty.us; alika.atay@mauicounty.us; robert.carroll@mauicounty.us; stacy.crivello@mauicounty.us; riki.hokama@mauicounty.us; kelly.king@mauicounty.us; yukilei.sugimura@mauicounty.us; Mayors.Office"@co.maui.hi.us <"don.guzman@mauicounty.us; elle.cochran@mauicounty.us; mike.white@mauicounty.us; alika.atay@mauicounty.us; robert.carroll@mauicounty.us; stacy.crivello@mauicounty.us; riki.hokama@mauicounty.us; kelly.king@mauicounty.us; yukilei.sugimura@mauicounty.us; Mayors.Office"@co.maui.hi.us>;

Dear Council Members.

As a business that is already impacted by heavy traffic on Keawe Street and as an employer of 14 people in the Business Park I am urging the council to support the resolution CC 18-33.

The DOT is using an EIS that was created before the homes, condos, and business park were ever constructed. The EIS being out of date by 20 years should give all parties pause on this project. There is precedent that shows it can be challenged as inadequate and stale dated.

Even the Exhibit that is attached to the resolution does not show the condos and a mostly built out business park as that has all occurred in the past 5 to 7 years, nor does it show the various drive through businesses that require their customers to turn left on Keawe.

DOT says itself that Keawe will experience at least a 70% increase in traffic. There are no street lights on this corridor. There are already many times that a left turn is dangerous or nearly impossible. This traffic increase will make turning left more dangerous and more impossible.

Please do not allow all the traffic from the Highway to flow up the incomplete bypass at this time. Urge DOT to wait to adjust traffic flow until the bypass reaches the Lahaina Post Office road and traffic can flow back to the Highway there where no businesses are impacted and no one is trying to turn left and there is already a divided median.

Erik Stein

Extended Horizons

--
Extended Horizons - Maui
Maui's Greenest Dive Company
Running 100% Solar for Shop
Running 100% Biodiesel in Boat
808 667 0611

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Clint Gima, Maui High School
Date: 1/16/2018
Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I strongly support PEA-41, which would have the County of Maui prohibit smoking in a motor vehicle when a minor under the age of eighteen is present. This should be a 'no brainer' type of law.

We need to protect our children from secondhand smoke. Secondhand smoke in a car can be up to ten times more toxic than what the EPA considers hazardous air quality, even when a window is down.

Thousands of children breathe in secondhand smoke in their own homes and cars daily. Inhaling secondhand smoke is especially harmful because children's lungs are still developing. Every time they inhale secondhand smoke, they breathe in 7,000 chemicals, 200 of which are poisonous, and 50 are known to cause cancer.

Regular exposure to secondhand smoke can cause children to miss school and even require trips to the hospital. Inhaling toxic smoke compromises their ability to perform well in school and engage in physical activity.

Smoke-free car laws just like child safety seats, seat belts, and no cellphone use while driving, help to protect the health and safety of our children, and these laws are enforced in similar ways. Passing smoke-free cars into law will help decrease our children's exposure to secondhand smoke and educate parents and other adults about the dangers of smoking in a car when a minor is present.

Just as Maui County has been protecting the public and its visitors from the dangers of secondhand smoke, I ask that you also protect our children and young people from the harmful impacts of smoking in a vehicle.

I respectfully ask that you pass PEA-41 and eliminate smoking of cigarettes and use of electronic smoking devices in cars when a minor is present in Maui County.

Mahalo,

Clint Gima
Paia, Hawaii 96779

RECEIVED
2018 JAN 16 PM 3:26
OFFICE OF THE
COUNTY CLERK

196 Hakui Place
Lahaina, HI 96761
January 16, 2018

Ref: Council of the County of Maui, Agenda, Regular Meeting of January 19, 2018, Item CC 18-33, entitled: "URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION TO TEMPORARILY SUSPEND THE HONOAPIILANI HIGHWAY IMPROVEMENTS, KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE 1B-2 PROJECTS"

Aloha Chairman and Council,

Please STOP the Lahaina By-Pass (Hwy 3000) current realignment plan NOW! I urge the Council to quickly support and pass Councilmember Guzman's Resolution #CC 18-33.

The Project Details online states "*The Lahaina Bypass 1B-2 Project is the last section to be developed before the public can begin to realize the benefits of reduced congestion in and around Lahaina.*"

That will NOT happen if the current realignment plan goes ahead, in fact the result will be the opposite – increased congestion on the Bypass and an already jammed intersection in Lahaina. It is critical that a time-out be called from construction, AND that the current plan be adjusted based on citizen review and feedback. The DOT has not listened to the people who live, drive, pay taxes, and vote on Maui, the very people who will be negatively affected by the current plan. There are major flaws with the current plan. The online petition (<https://www.thepetitionsite.com/565/851/167/keep-honoapiilani-road-rt.30-open/>) clearly covers the details.

If the current realignment plan goes ahead as written, the length of time and potential for delays for a trip to and from the West Side, and within Lahaina itself, will be increased for all of us, **including emergency vehicles**. It is imperative that the current plan be changed in a least two spots to:

- Keep both Hwy 30 and the Bypass open at the south end, to divide the traffic and give real relief to some of West Maui's traffic woes.
- Keep two straight lanes for both North-bound AND South-bound traffic on Hwy 30 at the Keawe intersection to alleviate the promise of a backup nightmare at what is already one of the busiest intersections in Lahaina.

It must be mandated that the DOT listen to, design, and build to the local constituents' wants and needs.

Mahalo to Councilmember Guzman for taking positive action to put teeth into West Maui's plea for positive action regarding this issue. And mahalo in advance to all of you for passing this resolution.

Aloha,
Elizabeth A. Kennedy
196 Hakui Place
Lahaina, HI 96761
p: 808-727-2283
e: bkennedy411@hotmail.com

RECEIVED
2018 JAN 16 PM 4: 07
OFFICE OF THE
COUNTY CLERK

West Maui traffic

RECEIVED

2018 JAN 17 AM 7: 54

Laurie Lowson <Laurie@lowson.com>

Wed 1/17/2018 12:32 AM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha Maui County Council,

Please try to make someone understand the dire straits West Maui is facing in terms of the traffic debacle which is being forced upon us by the State of Hawaii.

- 1.) To start a major construction project on the same day our busy tourist season starts is unbelievably short sighted by the powers that be.
- 2.) To close off the current road to Kahului makes NO SENSE
- 3.) Traffic lights are what slow down traffic.
- 4.) Making the Lahaina Bypass into the only road in and out of West Maui does not make any sense.
- 5.) Multiples of people are not following traffic laws. I have watched up to seven cars go through red lights on a regular basis on West Maui. This is constant. If I am the person in line at a stop sign, I am terrified to pull out into the intersection, until I have checked both ways several times to make sure all opposing traffic has stopped. People are texting and driving. It is pretty obvious. The police are doing nothing to enforce the traffic laws. Perhaps we need stop light cameras.
- 6.) Keawe St. is a disaster in the making. There are NO WORDS that adequately describe the daily horror of trying to drive that Street.

Remember the people who work for the State of Hawaii are the ones forcing "RAIL" on the State and the people who brought us this recent False alarm of an impending Missile Attack. They cannot be trusted. They do not care about the Neighbor Islands. They have no interest in our problems, traffic, or quality of life concerns. Oahu politicians only want our tax money to waste on their ridiculous "Rail" .

Laurie S. Lowson Realtor (B)

ABR, CRB, CRS, ePRO, RSPS, SFR

RB 16475

808-276-8001

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808.667.7158 Fax

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2018 JAN 17 AM 7:24

OFFICE OF THE
COUNTY CLERK

Lahaina Bypass Keawe Street Hwy 30 impacts

RECEIVED

2018 JAN 17 AM 7: 54

Alison Stanford <alisong@maui.net>

Tue 1/16/2018 4:59 PM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha to the County Council,

I write to respectfully implore you to assist the West Maui population with the DOT's unwelcome proposed changes to Highway 30 near Launiopoko and at Keawe St. As a forty year resident of Lahaina, a Business owner with a location on Kupuohi St. that can only be accessed from Keawe St. and with a residence that must be accessed from Lahainaluna Rd. I believe the DOT's plan is a nightmare ready to impose itself on all of us. There is no sense in building a bypass highway and then removing a section of roadway or even any lanes of the existing roads. Those of us that travel these roads daily can attest to the fact that they are already heavily burdened. The proposed changes are going to negatively impact us and will result in huge traffic problems, lack of access to our businesses, difficulties in conducting our daily routines that require visits to other shops and businesses, schools and homes. Accidents are inevitable.

We listened to a PR spokesperson for the DOT and to David Goode at a recent meeting. They did nothing to convince the business owners in attendance at the Lahaina Gateway that they were willing to take the advice of the local residents. They suggested we would adapt. It was insulting and unacceptable. As described at that meeting, their plan was rejected by the entire audience. It makes more sense not to open the newest section of the bypass near "cut mountain" until the bypass section from Keawe toward Ka'anapali is built, or until they correct the alignment to allow the northbound traffic to choose whether to get on to the bypass or not at Launiopoko. We do not want to lose access to that section of road!! Why in the world would we want to turn mauka and climb a steep hill for a short segment only to drop down again? It would force us to waste fuel and add to wear and tear on our brakes. The Bypass was designed as an optional route.

I'll stop here, though I could go on, for example with the lack of planning for bike paths at Keawe St. Please help us stop the DOT!

Sincerely,
Alison Stanford
431 Aki St
Lahaina, HI 96761

Damn the Torpedo's, full speed ahead!!!

WRM Mark Marchello <mmarchello@vacation-maui.com>

Wed 1/17/2018 1:38 PM

To: Elle Cochran <Elle.Cochran@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Mike White <Mike.White@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; County Clerk <County.Clerk@mauicounty.us>;

Cc: Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; mayors.office@co.maui.hi.us <mayors.office@co.maui.hi.us>; Rosalyn H. Baker <senbaker@capitol.hawaii.gov>; 'Angus McKelvey (mac4house@gmail.com)' <mac4house@gmail.com>;

Aloha Maui Leaders,

When the Massachusetts 54th, the first black army regiment, led the charge depicted in the Civil War movie "Glory", it ultimately paved the way for the final union victory. The severity of the battle and its outcome left little doubt that the 54th had met its challenge. Further to the south, during the battle of New Orleans, when Admiral Farragut shouted to his crew, "damn the torpedoes, full speed ahead," his men were quick to grasp the challenge which lay ahead.

Although not as dramatic, all of us face numerous challenges every day. Challenges occur when we compete in sports, attend school, or maneuver our cars to and from work. Certainly building highways, intersections and securing hundreds of millions to accomplish these efforts falls in the very challenging category. Once the turning wheel is stopped what effort will be required to restart it?

Taking north bound traffic up at cut-mountain will provide 5 access routes in to Lahaina Town. Creating a single flow lane at Keawe is a viable option as all traffic won't be coming in as it is now from the south entrance.

Does anyone remember 15 years ago when the community asked for a redesign of the bypass? It took 15 years and heroic efforts by all too finally push the wheel back in to motion.

Instead let's rally and cheer on the construction with a new battle cry - damn the torpedoes, full speed ahead – we accept the challenge - complete all phases 1,2,3,4 & 5 with the extra 1% being collected on all our rentals!

Mark

Property Manager
Whaler Investment Group, LLC
www.vacation-maui.com
mmarchello@vacation-maui.com
800-676-4112 808-661-3484

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2018 JAN 17 PM 2: 04
OFFICE OF THE
COUNTY CLERK



Mark A. Marchello, R (PB) Mark A. Marchello, Inc.

"If you can dream it you can do it"

Walt Disney

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JUN 13 PM 5:04
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OFFICE OF THE

Support Guzman Resolution #CC 18-33.

Noel Kennett <nwe-mgmt@hawaii.rr.com>

Thu 1/18/2018 7:05 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Donald S. Guzman <Donald.Guzman@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Mike White <Mike.White@mauicounty.us>; Alikea A. Atay <Alikea.Atay@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Mayors.Office@co.maui.hi.us <Mayors.Office@co.maui.hi.us>;

Good Morning,

I send this in support of the resolution proposed by councilmember Don Guzman "RESOLUTION URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION TO TEMPORARILY SUSPEND THE HONOAPIILANI HIGHWAY IMPROVEMENTS, KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE IB-2 PROJECTS".

Those of us who live on the West Side and travel the crowded roads here know that traffic on Keawe Street has much greater volume, with more side streets, and access to the increased number of residential neighborhoods, restaurants, business sites and shopping center parking than several years ago when the "bypass" plan was being developed. This plan needs to be revisited and brought up to date.

Don't force more traffic onto the "bypass" to Keawe Street until the road has an option to continue to bypass farther North. Don't force all north-bound traffic onto the "bypass" at Cut Mountain, allow traffic to continue using the Honoapiilani Hwy as-is, with the "bypass" as an option. Leave two through-lanes in both directions for the Honoapiilani Hwy at the Keawe Street intersection.

Mahalo for your consideration of the interests of your West-side citizens,

Noel

FROM THE OFFICE OF:

NOEL KENNETT

PRESIDENT

EMERALD PLAZA OWNERS ASSOCIATION

118 KUPUOHI #C.5

LAHAINA, HAWAII 96761

808 667-5054

FAX 667-5051

nwe-mgmt@hawaii.rr.com

RECEIVED
2018 JAN 18 AM 8:09
OFFICE OF THE
COUNTY CLERK

see attached - intersection Keawe Street & Honoapiilani Hwy and at souther end of "bypass"

Stan Dunn <stan@mauiprop.com>

Wed 1/17/2018 5:53 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Donald S. Guzman <Donald.Guzman@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Mike White <Mike.White@mauicounty.us>; Alike A. Atay <Alike.Atay@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; yukilei.sugimura@mauicounty.us <yukilei.sugimura@mauicounty.us>; mayors.office@co.maui.hi.us <mayors.office@co.maui.hi.us>;

📎 1 attachments (609 KB)

Council Agenda.pdf;

Good Morning, The County Council is meeting this Friday and you have an item on your agenda proposed by councilmember (and candidate for Mayor) Don Guzman, to urge the State to temporarily suspend the work planned to start TODAY at the intersection of Keawe Street and Honoapiilani Hwy and at the southern end of the "bypass".

Please see the attached. This will have a big negative effect on everyone in the West Maui community and also the tourist who will be visiting West Maui. The plan is based on outdated information compiled in Honolulu by people who NEVER drive in this already congested area. It needs more and better review.

The traffic and infrastructure issues in West Maui are major and are only going to continue to increase.

Why the development and construction approvals continue to be issued with impact mitigation fees and requiring infrastructure be provide prior to the development permits is difficult to understand.

Please request that the State temporarily suspend the work so the community can provide more input and there is better review.

Thank you for your consideration and action.

Stan Dunn

Maui Properties LLC
RB 20187

RECEIVED
2018 JAN 18 AM 8:10
OFFICE OF THE
COUNTY CLERK

Maui Properties
Owner/Broker
Since 1979
808 667-2277
808 442-1122 fax
stan@mauiprop.com
RB 10083

RECEIVED
JUN 18 AM 8:10
COUNTY CLERK
OFFICE OF THE

Council of the County of Maui

A G E N D A

Regular Meeting of January 19, 2018

9:00 AM

Meeting Site:

Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites:

Hana Council District Office - Hana Community Center, 5091 Uakea Road, Hana, Hawaii

Lanai Council District Office - Lanai Community Center, 8th Street, Lanai City, Hawaii

Molokai Council District Office - 100 Ainoa Street, Kaunakakai, Hawaii

website: www.co.maui.hi.us/Archive.aspx?AMID=226

email: county.clerk@mauicounty.us

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.

REMOTE TESTIMONY SITES: Oral testimony may be received from each of the Council district offices noted above. If the connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. 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

COUNCILMEMBER RIKI HOKAMA

B. OPENING REMARKS:

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

M-171117 Regular Meeting of November 11, 2017

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

CC 18-22 CHIEF OF POLICE, informing of the receipt of \$3,787.75 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

CC 18-23 CHIEF OF POLICE, transmitting a copy of a 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 \$46,599.

CC 18-24 PROSECUTING ATTORNEY, transmitting a notice of grant award from the State of Hawaii, Department of Transportation for the Highway Safety Grant Program in the amount of \$8,490.

CC 18-25 DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 4-C-3, in conjunction with the Haleakala Homesteads Subdivision, TMK: (2) 2-4-013:199 POR.

CC 18-26 DIRECTOR OF FINANCE, transmitting "MAUI COUNTY CODE SECTION 3.44.015(I) ACQUISITIONS WITHOUT COUNCIL APPROVAL CALENDAR YEAR 2017".

CC 18-27 MANAGING DIRECTOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Kealoha Laemoa.

CC 18-28 CHAIR, MAUI LIQUOR CONTROL COMMISSION, transmitting the annual review and evaluation of the Director of Liquor Control.

CC 18-29 BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF

FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS):

2. Acknowledgement of Base Rent Schedules Short-Term Leases; and
3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

- CC 18-30 COUNTY AUDITOR, transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2017, submitted by N&K CPAs, Inc.
- CC 18-31 COUNTY AUDITOR, transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2017 and 2016, submitted by N&K CPAs, Inc.
- CC 18-32 COUNCILMEMBER ATAY, relating to Exploring the Development Services Administration's (DSA's) Twenty-nine (29) Minute Permit Processing Model as a Template.
- CC 18-33 COUNCILMEMBER GUZMAN, transmitting a proposed resolution entitled "URGING THE GOVERNOR AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION TO TEMPORARILY SUSPEND THE HONOAPIILANI HIGHWAY IMPROVEMENTS, KAPUNAKEA TO KEAWE, AND LAHAINA BYPASS PHASE 1B-2 PROJECTS".
- CC 18-34 PLANNING DIRECTOR, transmitting a Conditional Permit application submitted by Maui Dragon Fruit Farm LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4295 (2016), GRANTING MAUI DRAGON FRUIT FARM LLC A CONDITIONAL PERMIT TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT CERTAIN SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT AND TO ALLOW THE TRANSIENT VACATION RENTAL (TVR) OF A TWO BEDROOM FARM DWELLING IN THE COUNTY AND STATE AGRICULTURAL DISTRICTS ON AN APPROXIMATELY 3.0 ACRE PORTION OF A 27.528 ACRE PARCEL OF LAND, LOCATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII".
- CC 18-35 DEPUTY DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF A PORTABLE ECO-COUNTER MOBILE MULTI COUNTING DEVICE TO THE DEPARTMENT OF PUBLIC WORKS, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- CC 18-36 COUNCILMEMBER ATAY, relating to an Audit of the Department of Planning and the Development Services Administration's (DSA's) Permit Processes.
- CC 18-37 DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2017.

Re: Support PEA-41 Prohibiting Smoking in vehicles with persons under 18yo

roeleno@juno.com

Thu 1/18/2018 8:44 AM

To: County Clerk <County.Clerk@mauicounty.us>;

To Whom it May Concern,

My name is Romeo Eleno and I'm a health and physical education teacher at Lanai High & Elementary School. I'm writing to ask for your support in passing PEA-41 which prohibits any smoking in vehicles with people under 18 years old. As a non-smoker that hates the smell of cigarettes, I truly support this bill. We all need to do our part in protecting our young people of the harm that second-hand smoke can do to their precious bodies. As a college student that had the privilege of having a car, I never once allowed even my mother to smoke in my car because I knew the dangers of inhaling cigarette smoke.

Let's join the rest of the Counties in the State of Hawaii and pass this bill to help keep our keiki being healthy from cigarettes. Please do the right thing in passing this bill!!!!

Mahalo,
Romeo Eleno

1 Simple Trick Removes Eye Bags & Lip Lines in Seconds
Fit Mom Daily
<http://thirdpartyoffers.juno.com/TGL3131/5a60ead91b7fb6ad86f72st01duc>

RECEIVED
2018 JAN 18 AM 8:47
OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Cruz Braun, Kamehameha Schools Maui Student
Date: January 17, 2018
Re: Thank you for the opportunity to submit testimony in support of PEA-41, Prohibiting Smoking in Vehicles
When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200S High Street – 8th floor

When I was younger, I suffered from asthma pretty badly. Now it doesn't affect me as much, but in some situations it can become bad. I am lucky to not have trouble with smokers in my everyday life but, I know many of my peers suffer from this problem and it is something that needs to end. There are many children who suffer from the effects of smoking involuntarily. Only because they are with a family member who has a smoking problem. The CDC (Centers for Disease Control and Prevention) say that the prevalence of asthma in children in Hawai'i are very high. They compared the asthma in kids from Hawai'i and the rest of the states. 17.1 percent of kids in Hawai'i have asthma compared to 10 percent of kids in the 38 states have asthma. The problem must not be the air quality here in Hawai'i because we have some of the cleanest air in the world. It leads me to wonder what is the problem. The only thing I can think of is the effects of cigarette smoke. These kids are not old enough to drive and have to get to and from school. They have no choice but to go with their family members who have smoking problems. There is nothing that they can do. But there is something that we can do to help these children who suffer from second-hand smoke problems. I believe the health of these kids is so important because they are our future. Passing the bill to prohibit smoking in cars with kids under the age of eighteen is something that can be done to prevent children from experiencing the effects of cigarettes. I ask that you pass this bill so our children who will be the future of this county or this state can be at least more protected from smoking.

Mahalo,

Cruz Braun
Wailuku, Maui

RECEIVED
2018 JAN 18 AM 9:17
OFFICE OF THE
COUNTY CLERK

PEA-41 Testimony

RECEIVED

2018 JAN 18 AM 9:17

Chasey Koomoa-Sidney <Chasey.KoomoaSidney@imua.ksbe.edu>

Thu 1/18/2018 9:09 AM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Chasey Koomoa - Sidney, Kamehameha Schools Maui Student

Date: 18 January 2018

Re: Support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I support the bill PEA-41 and believe that it should become a law. The bill could save many children from having to go through asthma and secondhand smoking. Although never personally having to go through this I did have an aunt who smoked and did drugs. Personally the experience was horrible for everyone in my family because no matter what, she is family and we love her. She now lives on the mainland and even though she's not on island we most definitely worry about her. This law could save many from having to go through the experience of smoking. This is a cycle and the when the parents smoke they teach the children that it's okay to smoke and when the children grow to be adults they do the same to either their own children or maybe their niece and nephew.

Mahalo,

Chasey Koomoa - Sidney

Makawao, Maui HI

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PEA-41 Testimony

RECEIVED
2018 JAN 18 AM 9:17
OFFICE OF THE
COUNTY CLERK

Jonah Raboy <Jonah.Raboy@imua.ksbe.edu>

Thu 1/18/2018 9:10 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Jonah Raboy, Kamehameha Schools Maui Student

Date: 1/18/18

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I strongly support the PEA-41. As a resident of Maui I believe this bill will benefit the keiki and their health. Coming from a family that use to smoke, I can relate to other kids who suffer from second-hand smoke. When my little brother and I were younger, our grandma use to take us to baseball practice. As we were driving there she would smoke on the way. Since we were little we didn't know what second-hand smoke was or that the smoke would hurt us also. I also believe many other kids on Maui suffer from this giving them health problems, such as asthma. I believe this law will stop many from smoking in a vehicle with a minor that is under 18 present in the vehicle. I and many others would really appreciate it if you would take this bill into consideration, so that the future generation of the Maui County will not suffer from second-hand while in a vehicle.

Mahalo,

Jonah Raboy

Resident of Wailuku

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PEA-41 Testimony

RECEIVED
2018 JAN 18 AM 9:17
OFFICE OF THE
COUNTY CLERK

Kayla Yamashita <kayla.yamashita@imua.ksbe.edu>

Thu 1/18/2018 9:08 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Kayla Yamashita, Kamehameha Schools Maui

Date: 1/18/18

Re: Support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I support PEA-41. I feel like the bill should pass because it would help improve health for children all over the county of Maui. Many smokers don't see their wrong doing until something bad happens or they get called out for it. Fortunately my parents do not smoke as well as my grandparents. Although I never had to worry about smokers I know that a lot of children suffer. If the bill doesn't pass I feel like no one will take the problem seriously. I hope you take the time to pass this law for all of the kids in the county of Maui.

Mahalo,

Kayla Yamashita
Makawao, Hawai'i

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PEA-41

RECEIVED

2018 JAN 18 AM 11: 43

Teancum Aiwohi <teancum.aiwohi@imua.ksbe.edu>

Thu 1/18/2018 11:33 AM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Teancum, Kamehameha Schools Maui

Date: January 18, 2018

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Aloha, my name is Teancum Aiwohi and I strongly support PEA-41. The PEA-41 bill is something that I think our county of Maui should pass. I think this bill should be passed because there are so many consequences you can get from second-hand smoking. Also there are many people in Hawaii that do smoke, so if we pass this bill we would be protecting our children from the harmful effects of smoking in the car with minors. I personally don't have any smokers in my family but I know that many of my friends have family members that smoke. Overall I think that PEA-41 should be passed to help protect the children of Hawaii.

Mahalo,

Teancum

Wailuku, Waiehu of residence

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Untitled

RECEIVED

2018 JAN 18 AM 11: 43

Laakeaokalani Awai <Laakeaokalani.Awai@imua.ksbe.edu>

Thu 1/18/2018 11:31 AM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council

Fr: La'akeaokalani , Kamehameha Schools Maui

Date: 1-18-18

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I feel like this bill is necessary because many kids suffer from second-hand smoking. It's very unhealthy for a child to inhale smoke. This bill is a step closer to keep children in the future, safe from the effects of a cigarette. I don't have any personal experiences but after watching videos about teenagers our age, telling their personal experiences, about how dangerous it can be for a child to inhale it. I felt that this is an important topic to be discussing about, and should be changed immediately. Passing this bill, I feel that more adults will think twice about smoking while any child is in the car.

Mahalo,

La'akeaokalani

Kahului

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Untitled

Zachary Genobia <Zachary.Genobia@imua.ksbe.edu>

Thu 1/18/2018 11:31 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

RECEIVED
2018 JAN 18 AM 11:43

OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council

Fr: Zachary Genobia, Kamehameha schools maui

Date: 1/18/18

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I believe this bill is necessary to pass because of the consequences it can have on children. Many children suffer from asthma and when they are in the same car as a smoker it can be bad for them. Cigarettes are harmful to the body especially to minors who are still developing. Secondhand smoke might not have effects now but as you get older it might affect you. So I strongly agree with The PEA-41 bill.

Mahalo,

Zachary Genobia
Kula

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<no subject>

RECEIVED

2018 JAN 18 AM 11: 44

Kristian Ryan Silva <KristianRyan.Silva@imua.ksbe.edu>

Thu 1/18/2018 11:34 AM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Kristian Silva, Kamehameha Schools Maui student
Date: 1/18/18
Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I think this bill is necessary for our state because there are various amounts of kids who suffer from secondhand smoke which can really affect their health and life. By allowing this bill to be passed it can impact not just only kids but it can also cause less air pollution because the chemicals in tobacco can affect our air and pedestrians who have to breathe in oxygen while they have to worry about a smoker nearby them.

Mahalo,

Kristian
Wailuku

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STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Makamae Naleieha <Makamae.Naleieha@imua.ksbe.edu>

Thu 1/18/2018 11:45 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

Hello, As a child I would spend a lot of my time with my father's family whom were smokers. So as a result i developed asthma. I later stopped seeing/ spending time with them, which helped my asthma clear. I was a very lucky child. Later at the age of 12 I started to reconnect with them and now at the age of 15 i am spending time with them again. On september of last year I found out that i have asthma again which makes it very hard to paddling in school and try to be more active. I think that a law that would banned smoking in cars with kids is a great idea because secondhand smoking can cause asthma and so many other things. I really hope you pass this bill so that the future of my cousins, the children of maui, and myself can be protected from secondhand smoking in cars.

Mahalo for your time and consideration,

Makamae Nālei'ehā
Wailuku, HI, 96793

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RECEIVED
2018 JAN 18 AM 11:53
OFFICE OF THE
COUNTY CLERK

Testimony

RECEIVED

2018 JAN 18 AM 11: 53

Ezekiel Weber <Ezekiel.Weber@imua.ksbe.edu>

Thu 1/18/2018 11:45 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council

Fr: Ezekiel Weber, KSM Student

Date: 1/18/18

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I am in complete favor for this bill. I feel this bill should be passed because second hand smoke can cause diseases and even take lives. I myself have asthma and my little cousins too and whenever we I drive with my aunty and uncle which they are both smokers I always start to have shortness of breath and I start to cough a lot and it just feels terrible. Try holding your breath and for as long as you can without any air then take that first breath. That's how it feels when you have an asthma attack. I have had 2 asthma attacks in the past due to secondhand smoke please pass this bill so me and my cousins won't have to deal with it anymore.

Mahalo,

Ezekiel Weber
Wailuku/Waiehu

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RECEIVED
2018 JAN 18 PM 2: 07

Lauren Almeida <Lauren.Almeida@imua.ksbe.edu>

Thu 1/18/2018 1:39 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Brooke Holderbaum <brholder@ksbe.edu>;

OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Lauren Almeida from Kamehameha, Maui

Date: 1/18/18

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

I feel that the PEA-41 bill should be passed because there are so many young children that are being affected by smoking in vehicles. Smoking in vehicles is very harm to young children, children that inhale smoke can get asthma or even something worse like cancer. Also smoking vape in vehicles can cause so much smoke to build up in the car that will lead to a harmful accident which can also cause you to loose your life by smoking. This bill is something to be passed and not take as a joke because smoking in vehicles are not healthy for any human do breathe in.

Mahalo,

Lauren Almeida

Kula

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PEA-41 Testimony

Connor Viela <connor.viela@imua.ksbe.edu>

Thu 1/18/2018 1:44 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED
2018 JAN 18 PM 2:07
OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Connor Nohea Viela, Kamehameha Schools Maui
Date: 1/18/18
Re: Strong support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

From people around me and from what I've seen this is a major issue. My aunty & neighbors both smoke, and near minors as well. Me with my aunty and the minors in my neighbor's household. Though they are cautious when smoking around or in a car. I can only imagine what could happen if they didn't. If this bill is passed it can help save children's lives from second hand smoke. I hope this bill passes and can help children and those from experiencing it.

Mahalo,

Connor Nohea Viela
Central Maui, Kahului

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PEA-41

RECEIVED

2018 JAN 18 PM 2: 23

Kisen-Leo Mercado <KisenLeo.Mercado@imua.ksbe.edu>

Thu 1/18/2018 2:19 PM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Brooke Holderbaum <brholder@ksbe.edu>;

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Kisen-Leo Mercado, Resident of Wailuku

Date: 1/18/18

Re: Support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Aloha, Thank you for the opportunity to submit testimony in support of PEA-41 which bans people from smoking in cars with children. I support PEA-41 because I am in 9th grade now and my whole life has been spent being around smokers, many was not even my own family. I have been in many cars with smokers and although they roll down the windows, lean my seat back, and tell me to put a jacket over my face I still smell it and I am afraid that I will affected by secondhand smoke. I understand that they get stressed out so they need to smoke, which is why I support PEA-41 instead of strongly supporting it. If anything they can just wait until our next stop then smoke or pullover and take less than five minutes to smoke. I feel that many kids do not deserve to get asthma especially from smokers. I do not want kids to go through what I had to because I had asthma. I just want future kids to be safe and live their life without asthma.

Mahalo,

Kisen-Leo Mercado,
Wailuku, HI 96793

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Fw: Testimony

Lauryn Hashimoto <Lauryn.Hashimoto@imua.ksbe.edu>

Thu 1/18/2018 2:26 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED
2018 JAN 18 PM 2:42
OFFICE OF THE
COUNTY CLERK

From: Lauryn Hashimoto
Sent: Thursday, January 18, 2018 2:24 PM
To: Brooke Holderbaum
Cc: Lauryn Hashimoto
Subject: Testimony

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council

Fr: Lauryn Hashimoto, Kamehameha Maui High School

Date: 01/18/2018

Re: Strong support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

When I was younger I got asthma. I couldn't do certain things because of that. And that's why I hated Cigarettes. In my dad's side of the family they always smoked cigarettes and now they vape. I didn't like going to their side when I was younger because I always thought that they made me sick. I'm just grateful that my sister didn't get asthma too. But over time she did end up getting asthma the more we were around them. I figured out that it wasn't my family but the cigarettes that were polluting the lungs of young kids. So I hope that you do pass this bill because it will protect those innocent children that don't have a choice in the matter. And that's why we as a school and a community are here today to fight for those kids.

Mahalo,

Lauryn Hashimoto
Kahului

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Support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Sasha Jorgensen <Sasha.Jorgensen@imua.ksbe.edu>

Thu 1/18/2018 2:26 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

RECEIVED
2018 JAN 18 PM 2:42
OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council

Fr: Sasha Jorgensen, Kamehameha Student

Date: 1/17/18

Re: Support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Aloha Maui County Council,

I am writing to you in response to the PEA-41 bill, which will prohibit smoking in a vehicle with anyone under the age of 18. I think the PEA-41 bill is important to pass because cigarettes have very harmful effects on children. In my family I have multiple family members/ friends of my family who have smoked or still do smoke. I have experienced second-hand smoke because of this, including in the car. One time on my way to the beach with my friend, her dad began to vape with the car windows rolled up. Though the smell was not nearly as disgusting as a cigarette, it did still make it harder to breathe. Thankfully I do not have asthma, but I do still worry that if people continue to smoke in vehicles that I am in, I will eventually get it. Though secondhand smoking does affect the minor in the car the most, thirdhand smoke can still have effects. According to an article titled *5 Dangers of Thirdhand Smoke — Especially to Children, Non-Smokers* on Cleveland Clinic's website, "One study found that being exposed to thirdhand smoke may cause damage and breaks in human DNA." Dr. Choi, who speaks about thirdhand smoke in the article said "I think children are the most vulnerable to thirdhand smoke because of exposure to surfaces like the floor and on their clothes and other objects...". The article also says "This is particularly true for very young children who frequently touch objects and then put their hands in their mouths. This can increase their exposure to the toxic chemicals." So as you can see smoking in a vehicle has many harmful effects especially for children. Passing this bill can help to prevent not only the unsafe effects of secondhand smoke but also that of thirdhand smoke. Please pass this bill so we can keep Hawai'i's keiki safe.

Mahalo,

Sasha Jorgensen
Wailuku

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Testimony

Teija Tuitele <Teija.Tuitele@imua.ksbe.edu>

Thu 1/18/2018 2:30 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Brooke Holderbaum <brholder@ksbe.edu>;

RECEIVED
2018 JAN 18 PM 2:42
OFFICE OF THE
COUNTY CLERK

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Honorable Members of the Maui County Council
Fr: Teija Tuitele, A Kamehameha Schools Maui School Student

Date: January 18 2017

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Many kids suffer from second hand smoking. I am one of those lucky few that don't have any family members that smoke, but I am someone who has asthma. I didn't get it from second hand smoking, I was born with it. It's definitely a struggle in my life whether it be from having to have an accessible pump in reach or even by the thought of an asthma attack. I'm sure by now you know that kids can get asthma from secondhand smoking. I agree with the law to ban smoking cigarettes in cars with kids. I personally experience the struggle of asthma and this bill gives me a chance to prevent kids from going through the same hardship as me. If we allow kids to be in cars with smokers we are only contributing to an environment with a higher risk level of kids gaining asthma. I hope that you pass this law so that in the future kids can be prevented from suffering the consequences of being in cars with people who smoke. Three years ago me and my family went to a hotel in Vegas where we had to pass through a casino to get to the food court. Although we only walked through for about 30 seconds throughout that whole thing me and my family members had to hold our breath from those who were smoking. If you don't smoke Now imagine kids who are stuck in a car with adults who smoke. They don't have a choice on whether or not they can breath. My testimony focuses more on asthma, but that is one of the many consequences that kids suffer involuntarily, but you can stop that by passing the PEA- 41 bill.

Mahalo,

Teija Tuitele
Wailuku, HI

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CR 18-9, CC 18-33, CC18-34

Barbara Barry <begoniabarry@gmail.com>

Fri 1/19/2018 8:46 AM

To: County Clerk <County.Clerk@co.maui.hi.us>; Mike White <Mike.White@mauicounty.us>;

RECEIVED
2018 JAN 19 AM 11:56
OFFICE OF THE
COUNTY CLERK

Aloha Chair and Council Members,

In case I don't make it in to testify on these important matters, I wanted to fire off this email to you in regards to the above issues.

I completely support County Resolution 18-9.

Kids should not be exposed to second hand smoke in cars or anywhere for that matter.

Unfortunately, smokers do not always consider the health impacts they impose on the most vulnerable of of population by smoking in cars where they are present.

Mahalo for voting YES on this Resolution.

CC 18-33

I'm concerned that if Councilmember Guzman is serious about this injunction, why he didn't just move forth with it? Why wasn't Councilwoman Cochran consulted about this since this is her District and possibly she had something underway in regards to this issue? I certainly hope it's not political posturing by Councilmember Guzman to usurp Councilwoman Cochran's authority in her District considering the upcoming Mayoral Election. Even if this was a strictly pono move, it doesn't give the appearance of that to me or others I have spoke to.

This issue needs to be addressed immediately so please, take the politics out of it and get on with solving the problem.

CC18-34

Im very concerned about how this fits into the Lahaina Community Plan. Will allowing this TVR open the door to allow TVR's going into all Agricultural zoned areas, County wide?

I think this decision needs to be shelved till the new Lahaina Community Plans gets updated. As far as a retail gift shop being allowed on Maui Dragon Fruit Farm, it must be restricted to products produced by the farm like any farmstand. If they want a retail location to sell items not produced by them, they should consider renting a retail location in a retail zoned district, not on their farm. The rules are in place to protect the integrity of Ag lands. Let's stick to them.

Mahalo,

Ms. Barbara Barry

Ha'iku



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

January 19, 2018

Mike White, Council Chair
Maui County Council
County of Maui
200 S. High Street
Wailuku, HI 96793

OFFICE OF THE
COUNTY CLERK

2018 JAN 19 AM 11:56

RECEIVED

RE: Testimony to Council Committee for Resolution on Honoapiilani Highway

I'm writing this testimony in support of the current council resolution before this committee today seeking a temporary hold on the work being done to the Honoapiilani Highway at Keawe Street. My primary concern is the unintended consequences this rush to commence the work in this area is creating on the traffic and quality of life for our West Maui citizens.

The changes to the existing highway, that began on January 16, 2018, is having a profound "ripple effect" on the traffic in the area. Furthermore, the elimination of an entire lane of the Honoapiilani Highway for northbound traffic from Lahaina town north will potentially create more gridlock within the heart of the town itself, and create a net zero gain with respect to overall traffic efficiency. Although the state traffic count numbers show a large number of cars turning off Keawe Street northbound onto the highway, the theory that eliminating an entire lane of the existing highway for northbound traffic will do nothing to increase efficiency the area.

Personally, I believe that a viable alternative of these sweeping changes to the lane configurations exists. By creating a pilot program implementing an Intelligent Traffic System (ITS), starting at this intersection first, we could alleviate unnecessary gridlock and increase efficient traffic flow. The ITS will not only allow cars to flow from Keawe Street on the Honoapiilani Highway during peak times, it would preserve the lane for northbound traffic out of Lahaina town. By using this area as the pilot, we could pave the way for a smooth rollout of the system statewide when it occurs. Whether it is the ITS pilot or other ideas to relieve Bypass traffic on Keawe Street, these proposals need to be put in front of the community. And, they need to be a part of the final decision BEFORE work begins and the changes become irreversible.

I'm disappointed that the Hawaii Department of Transportation (HDOT) has hastily moved forward in a frenzy and opted to do the road work during the peak hours of traffic – especially while Senator Baker, and me continue to work together to voice the people of West Maui's concerns directly to Governor Ige. The HDOT's hasty decision is already causing traffic snarls for motorists traveling in the affected areas. Nevertheless, the options derived from talks in Wailuku or Honolulu must be put in front of the Lahaina community so they may be an active partner in the final decisions that are reached.

HDOT has repeatedly said that the Environmental Impact Statement (EIS), that was drafted in 2002, gave the community plenty of time for input. But, I would like to respectfully point out to this committee that: (1) the area in question did not have anywhere in the near the businesses homes or traffic in 2002 that it does now, and (2) that the changes that are being done to this section of the highway as part of the Lahaina bypass project were never discussed as part of that EIS during that time. By not allowing the community to weigh in on these profound changes to the Honoapiilani Highway in this area erodes confidence in government and undermines the public planning process itself.

I have faith in the collective wisdom and intelligence of the West Maui community. As such, our community members are more than capable to choose an option that will meet the state's goal of increasing traffic capacity and efficiency. Furthermore, giving the community the opportunity to be heard and have meaningful input will not endanger any federal funds. It is not our goal to stop the work on the Lahaina Bypass completely. Rather, it is simply about having a pause or "time out" so the community can be intimately involved in the planning process as to the options for this area. Any final decision that is made should be done with the blessing of the people who ultimately will bear the weight of the consequences of these decisions for years and years to come.

I humbly ask this committee to advance this resolution and send a strong message to HDOT to come to Lahaina and put all the options being discussed on the table. Let the people be a part of the final decision process. I think the HDOT, particularly its new deputy director Roy Catalani, will be surprised at the breadth of intelligence and the collective wisdom that is Lahaina. We look forward to creating a win-win solution, restoring faith in government, and showing that the peoples' voice does indeed matter.

Respectfully submitted,



Representative Angus L. K. McKelvey
District 10 (West Maui, Ma'alea, Kihei)
House of Representatives • State of Hawai'i