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## **COUNCIL OF THE COUNTY OF MAUI**

### **A G E N D A**

Regular Meeting of September 1, 2023  
9:00 a.m.

**Meeting Site:**

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

**In-Person Testimony and Viewing:**

Council Chamber, Kalana O Maui Building, 8<sup>th</sup> Floor,  
200 South High Street, Wailuku, Hawai'i

**Courtesy Live Broadcast:**

Akakū – Maui Community Media, Channel 53

**website:** <http://co.maui.hi.us/Archive.aspx?AMID=226>

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

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PURSUANT TO SECTION 92-3.7, HAWAII REVISED STATUTES, THE MEETING WILL BE CONDUCTED AS A REMOTE MEETING BY INTERACTIVE CONFERENCE TECHNOLOGY.

#### OFFICIAL TESTIMONY LOCATION

Members of the public may view the meeting and provide testimony in person at the Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i.

If audiovisual connection with the Council Chamber is lost, the Council will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Wednesday at 9:00 a.m., using the same official location for in-person testimony and viewing, unless the Council announces a different date, time, and location.

#### TESTIMONY PROCEDURES

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

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Testimony must pertain to items on the agenda. Each testifier shall be allowed to speak for up to three minutes on each item. The time limits for testimony may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify. If the connection between any testifier and the video conference is lost, the meeting will still continue.

If a testifier wishes to testify anonymously, please indicate that request in the Bluejeans chat or with staff at the sign-up desk outside the Council Chamber. Anonymous testifiers will be assigned a number.

#### DECORUM

Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of the Council meeting may, at the discretion of the presiding officer or a majority of present Councilmembers, be removed from the Council Chamber or, if participating remotely, muted or dropped from the meeting. Disruptive behavior includes, but is not limited to: heckling, shouting, use of profanity, and threatening remarks made to any member of the Council, staff, or general public.

## WRITTEN TESTIMONY

Written testimony may be submitted by e-mail to [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us), by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted.

Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk at (808) 270-7748 prior to the meeting.

## COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES

East Maui: Hāna Cultural Center & Museum, 4974 Uakea Road, Hāna, (808) 248-7513

South Maui: MEDB Building, 1305 North Holopono St., Ste. 9, Kihei, (808) 793-0012

Moloka'i: Moloka'i District Complex, 100 Ainoa Street, Kaunakakai, (808) 553-3888

Lāna'i: 814 Fraser Avenue, Lāna'i City, (808) 565-7094

Makawao-Ha'ikū-Pā'ia: Heritage Hall, 401 Baldwin Ave., Ste. 102, Pā'ia, (808) 793-0099

Subject to change and staffing availability without notice. Visit [mauicounty.us](http://mauicounty.us) for more information.

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location.

### A. ROLL CALL

### B. OPENING REMARKS:

COUNCILMEMBER GABE JOHNSON

### C. PLEDGE OF ALLEGIANCE

### D. TESTIMONY ON CEREMONIAL RESOLUTIONS

### E. CEREMONIAL RESOLUTIONS:

[Reso 23-198](#) "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE ROBERT 'BOB' WARNER HOBDY"

**F. SET THE CONSENT CALENDAR****G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****H. MINUTES:**

NONE.

**I. ACTION ON THE CONSENT CALENDAR****J. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

[CC 23-33](#) COUNCIL VICE-CHAIR SUGIMURA, relating to Councilmembers' report on the Kula community meeting held on August 24, 2023.

**2. GENERAL COMMUNICATIONS:**

NONE.

**K. COMMITTEE REPORTS:****Government Relations, Ethics, and Transparency Committee**

[CR 23-72](#) Recommending **FILING** of Resolution 23-184, relating to a proposed State bill on firearms for inclusion in the 2024 Hawai'i State Association of Counties Legislative Package.

[CR 23-73](#) Recommending **FILING** of Resolution 23-185, relating to a proposed State bill on commercial use ocean permits for inclusion in the 2024 Hawai'i State Association of Counties Legislative Package.

[CR 23-74](#) Recommending **FILING** of Resolution 23-183, relating to a proposed State bill on motorized watercrafts for inclusion in the 2024 Hawai'i State Association of Counties Legislative Package.

[CR 23-75](#) Recommending **ADOPTION** of Resolution 23-176, approving for inclusion in the 2024 Hawai'i State Association of Counties Legislative Package, a proposed State bill to establish paid parental and family leave to enable State and County employees to access leave benefits when providing care for a family member.

[CR 23-76](#) Recommending **ADOPTION** of Resolution 23-175, approving for inclusion in the 2024 Hawai'i State Association of Counties Legislative Package, a proposed State bill to ensure counties may appropriately respond to local economic conditions by authorizing counties to establish a minimum wage by ordinance.

- [CR 23-77](#) Recommending **ADOPTION** of Resolution 23-171, approving for inclusion in the 2024 Maui County Council Legislative Package, a proposed State bill to remove the maximum rate at which each county may establish a transient accommodations tax.
- [CR 23-78](#) Recommending **ADOPTION** of Resolution 23-173, approving for inclusion in the 2024 Maui County Council Legislative Package, a proposed State bill to establish paid parental and family leave to enable State and County employees to access leave benefits when providing care for a family member.
- [CR 23-79](#) Recommending **ADOPTION** of Resolution 23-182, CD1, approving for inclusion in the 2024 Maui County Council Legislative Package, a proposed State bill to give the State of Hawai'i, Department of Land and Natural Resources, Division of Boating and Ocean Recreation discretion with issuing commercial ocean use permits and permit renewals to lessen the impacts of commercial use ocean vessels and activities.
- [CR 23-80](#) Recommending **ADOPTION** of Resolution 23-180, CD1, approving for inclusion in the 2024 Maui County Council Legislative Package, a proposed State bill to modernize the definition of "thrill craft," as used in the State Boating Law, and include within the term "surfboard using a motorized hydrofoil," also known as an "e-foil."

#### L. **RESOLUTIONS:**

- [Reso 23-196](#) "APPROVING THE APPOINTMENT OF CARLA M. NAKATA AS LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES"
- [Reso 23-197](#) "AUTHORIZING THE EMPLOYMENT OF LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL TO PROVIDE LEGAL SERVICES TO QUALIFIED RESIDENTS OF THE COUNTY OF MAUI"

#### M. **ORDINANCES:**

- [Bill 82 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4405 (2017) RELATING TO GRANTING HO'OKAHI PALAMA ALI'I, LLC A CONDITIONAL PERMIT TO CONDUCT LIMITED SPECIAL EVENTS, HISTORICAL AND BOTANICAL TOURS, PHOTO SHOOTS, WORKSHOPS, RETREATS, WELLNESS AND EXERCISE CLASSES, AND TO ALLOW A BRIDAL LOUNGE AND EVENT PREPARATION SPACE IN AN EXISTING AGRICULTURAL BUILDING WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 250 HAIKU ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-7-003:006, HAIKU, MAUI, HAWAII"

*The purpose of this bill is to amend Ordinance No. 4405 to grant a time extension/amendment to the conditional permit in order to continue to conduct limited special events, historical and botanical tours, photo shoots, workshops, retreats, wellness and exercise classes, and to allow a bridal lounge and event preparation space in an existing agricultural building.*

[Bill 83 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 19.47.070, MAUI COUNTY CODE, RELATING TO WETLANDS OVERLAY MAPPING"

*The purpose of this bill is to amend the Department's timeline for preparing the wetlands overlay map.*

[Bill 84 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS FOR VISITORS INDUSTRY, TOURISM MANAGEMENT GRANT FUND"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget to delete conditional language stating the Tourism Management Grant Fund may not be used for marketing and promotion but must be used for tourism management or education efforts.*

### **ORDINANCES - SECOND AND FINAL READING:**

[Bill 28, CD1, FD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4998 (2019) RELATING TO THE CHANGE IN ZONING (CONDITIONAL ZONING) TO WAIKAPU COUNTRY TOWN (WCT) DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

*The propose of this bill is to amend Ordinance No. 4998 to allow: 1) additional residential workforce housing units to be provided in lieu of fulfilling certain change in zoning conditions; and 2) deed-restriction periods to be set for residential workforce housing units in Waikapu Country Town.*

[Bill 29 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.96, MAUI COUNTY CODE, MODIFYING THE WAIKAPU COUNTRY TOWN DISTRICT CONTROLLING PLAN AND PERMITTING EDUCATIONAL USES IN THE RESIDENTIAL DISTRICT"

*The purpose of this bill is to amend Chapter 19.96, Maui County Code, modifying the Waikapu Country Town District Controlling Plan to account for an exclusion in the original mapping and to allow for educational uses in the residential district to accommodate the potential expanded school site.*

[Bill 79 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII"

*The purpose of this bill is to authorize the Mayor to enter into an intergovernmental agreement with the Department of Transportation, State of Hawaii, for the purpose of operating and maintaining traffic signal hardware and other electrical equipment located at the intersection of Main Street and Church Street in Wailuku.*

[Bill 81, FD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 11.03, MAUI COUNTY CODE, ESTABLISHING A FARE FREE BUS PASS PROGRAM"

**N. UNFINISHED BUSINESS:**

**NONE.**

**NOTE: "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, STE. 708, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.**

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

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

**IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF THE BLUEJEANS CONNECTION IS PREMATURELY TERMINATED, FOR WHATEVER REASON, PLEASE LOG BACK INTO THE SAME LINK. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.**

**IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.**

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