

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

February 2, 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, FEBRUARY 2, 2018, BEGINNING AT 9:02 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

### ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, DONALD S. GUZMAN, G. RIKI HOKAMA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS ELEANORA COCHRAN, S. STACY CRIVELLO, KELLY T. KING, AND YUKI LEI K. SUGIMURA.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are five Members present, and four Members excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

The opening remarks this morning will be from Member Carroll.

### OPENING REMARKS

The opening remarks were offered by Council Vice-Chair Robert Carroll.

CHAIR WHITE: Thank you very much, Mr. Carroll.

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. And before we proceed, please make sure that if you have a cellphone or any other noisemaking device, that you please put it on silent mode.

And with that, Mr. Clerk, let's proceed with the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the 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 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.

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

Mr. Chair, we have nine individuals who have signed up to testify in the Council chamber. The first person to testify in the Council chamber is Hezekiah Kapua`ala, testifying on Bill 6 (2018). To be followed by Breeana Anguay.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. HEZEKIAH KAPUA`ALA, KAMEHAMEHA SCHOOLS MAUI [testifying on Bill No. 6 (2018)]:

Hello everyone. My name is Hezekiah. Thank you, County Councilmembers and Chair for having me talk to you guys today about Bill 6. Smoking and vaping is a serious threat to both adults, and especially children. E-juice is what the liquid is called that's being vaped in the e-cigarettes, and it contains multiple chemicals, including diacetyl.

Diacetyl is a key part of artificial buttery flavoring and it can cause a condition known as lymphocytic bronchitis, which can lead to obliterative bronchitis, also known as popcorn lung. And, popcorn lung causes your bronchioles to get smaller, which makes it more difficult for a person to breathe. Diacetyl was a key part of making buttery flavor for microwave popcorn. Workers, however, have breathed in this chemical and have died doing, due to diacetyl or popcorn lung. This powdery chemical scars the bronchioles, which causes it to swell up and narrow its airways. This lung disease can cause coughing, wheezing, and a shortness of breath. After this incident, diacetyl was removed from all food products. So, if you like microwave popcorn, don't worry, you won't diacetyl, or popcorn lung from diacetyl.

But, you can get it from vaping. Vaping is better than smoking cigarettes, but vaping still has the same risks of smoking. According to nbcnews.com, an article called "E-Cigarettes: The Health Risks of Vaping", the fumes of the e-juice can cause brain damage for those who are 20 years old and under. Another risk that was listed is when kids are around people that smoke, they have a high chance from suffering from second-hand smoke.

And according to a website called "Centers for Disease Control and Prevention", in one year, 53,800 non-smokers have died due to second-hand smoke. And, second-hand smoke is when a person inhales the smoke when they are not smoking the cigarettes. Kids can be affected by this. They can get ear infections, a high rate of asthma attacks, or even a sudden risk of death.

These are the reasons why I am in strong support of Bill 6.

CHAIR WHITE: Thank you very much.

Members, any need for clarification? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person testifier is Breeana Anguay, testifying on Bill 6 (2018). To be followed by Elizabeth Noelani Kuhlmann.

MS. BREEANA ANGUAY, KAMEHAMEHA SCHOOLS MAUI [testifying on Bill No. 6 (2018)]:

Aloha, Chair and Maui County Council. My name is Breeana Anguay, and I am here representing Kamehameha Schools Maui. I strongly support Bill 6.

I think most people know the risk of vaping, but not the biological effects. According to the "Life Science" website, a chemical called nicotine can be very addictive. Too much nicotine can cause many things like lung cancer and infections that are in your respiratory system. In the long term, you would find yourself in a very serious situation. It can affect your respiratory system when you inhale the vapor, when the, in your flavored e-juice.

Many chemicals cause cancer in this vapor. That includes formaldehyde, heavy metals, and particles that can get stuck in your deepest part of your lungs. Cancer is a disease caused by an uncontrolled division of abnormal cells in the part of your body. A chemical called NNAL, which is in e-cigarettes, goes into your lungs and gets trapped in your body, then goes into your bloodstream and then can cause cancer growth.

Also, according to "The Guardian News", it states, "The nicotine inhaled to be converted into the chemicals can damage the DNA in the heart, lungs, and bladder, and dampen down in your body's genetic repair mechanisms".

Vaping can also affect your immune system. The greater susceptibility to infections such as pneumonia and influenza. Smoking can hurt your immune system when you vape because you can ruin your genetic genes. Scientists from the "webmd" website states that vaping is 95 percent safer than smoking cigarettes. But, just because it's safer, it doesn't mean you can still get hurt from it.

If we pass this bill, we are a step closer from saving our children. Thank you.

CHAIR WHITE: Thank you very much for your testimony.

Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Elizabeth Noelani Kuhlmann, testifying on Bill 6 (2018). To be followed by Ethen Mueller.

MS. ELIZABETH NOELANI KUHLMANN, KAMEHAMEHA SCHOOLS MAUI [testifying on Bill No. 6 (2018)]:

Aloha kakahiaka, Chair. Thank you so much for coming here and listening to us today. My name is Elizabeth Noelani Kuhlmann, and I represent Kamehameha Schools Maui.

There are many terrible ingredients that make up e-juice. Most of them contain carcinogens, which are cancer causing agents. Some of those ingredients include benzyne, which is a component of gasoline; cadmium, which is a component of batteries; formaldehyde, which is very toxic; and toluene, which is a component of paint thinner. These are only, these are only a few of the many harmful things you put in your body just by breathing smoke or second-hand smoke from a cigarette or an e-cigarette.

"The Coalition for a Tobacco-Free Hawaii" website says that 1,400 lives are lost to tobacco, to tobacco use every year in Hawaii. Children breathing in second-hand smoke are all exposed to these carcinogens, and can easily get cancer. There are many types of cancer that can affect the body. Cancer is the growth of abnormal dividing cells in the body. If there are enough of these cells, a malignant tumor will form and target the tissues in the body. Organs such as the heart, brain, and lungs can be affected, and fail because of the cancer. If these fail, a person can surely die.

Imagine children in schools not being able to learn and grow because their bodies are suffering from the effects of second-hand smoke. Their lives can be ruined, and it is not even their decision. Recently, a few of my classmates and I conducted an anonymous survey to figure out how many people in our class have been exposed to second-hand smoke. Nearly all of them were exposed. This information gave me even more motivation and more support for this act, Bill 6.

Again, thank you, Chair, for supporting Bill 6, and us, along with the keiki of Hawaii. Mahalo.

CHAIR WHITE: Thank you for your testimony this morning.

Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Ethen Mueller, testifying on Bill 6 (2018).  
To will be followed by Katie Folio.

MR. ETHEN MUELLER, KAMEHAMEHA SCHOOLS MAUI [testifying on Bill No. 6 (2018)]:

Aloha, County Councilmembers. I just want to, my name is Ethen Mueller. I just want to thank you for allowing me to be here. I'm here on behalf of Bill 6, prohibiting smoking or vaping inside a vehicle with a minor present. This bill will be very effective and useful in our community.

Vaping and tobacco use can cause a variety of harm to your lungs. The smoke of the cigarette irritates the bronchi and air passage of the lung that diverges from the windpipe; and that's what causes bronchitis.

With that being said, the effects of second-hand smoke is just as bad. A CDC article states second-hand smoke causes more than 7,300 lung cancer death among U.S non-smokers each year, 33,951 annual deaths from heart disease; averaging to about an estimated 41 deaths per year from exposure to second-hand smoke.

Non-smokers who are exposed to second-hand smoke are inhaling many of the same cancer causing substances, and poisons as smokers. Even brief second-hand smoke exposure can cause, cancer causing substances, oh shucks, I just said that. Exposure can damage cells in ways that set the cancer process in motion. By smoking, it causes cancer of the esophagus, lung, mouth, larynx, throat, kidney and many more. Smoking causes cancer because of all the cancerous products that smoke is inhaled that are inside the cigarette.

Although vaping doesn't have as many studies as cigarettes on whether it is bad for you or not, I know from experience with relatives that when you are vaping in a car, vapors produce a significant amount of clouds, and that could possibly fog up the vehicle and make it hard to see. This could possibly cause accidents, and endanger many people. And with this said, it would also reduce a smoker or vaper from smoking one last cigarette or taking one puff out of a vape.

We do not want all these dangers of smoking and vaping to harm the children and families of our community. By passing this reading, we are one step closer to saving a lot of lives. Thank you.

CHAIR WHITE: Thank you very much for your testimony. And, I want to thank the four of you for taking the time to prepare for this, and, and for supporting this bill. And on behalf of many others in the room, appreciate it.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Katie Folio, testifying on Bill 6 (2018). To be followed by Lorrin Pang.

MS. KATIE FOLIO, HAWAII PUBLIC INSTITUTE AND THE COALITION FOR A TOBACCO-FREE HAWAII [testifying on Bill No. 6 (2018)]:

Aloha, Chair White and Honorable Members of the Council. My name is Katie Folio, and I am here on behalf of the Coalition for a Tobacco-Free Hawaii, a nonprofit 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, and a program of the Hawaii Public Health Institute. The Coalition and its many partners strongly support Bill 6, which would prohibit smoking in vehicles when persons under the age of 18 are present, as a positive step towards protecting the keiki of Maui County.

We would like to sincerely thank the Council for moving Bill 6 forward, and for supporting the many youth and community members who have come to demonstrate their support of this bill. I ask that you continue to show your support, and pass the bill through the second and final Council reading, ensuring that the keiki of Maui County will be protected from exposure to second-hand smoke in vehicles.

The youth have spoken and you have listened, so I will keep my testimony short today. But it is our hope that we can count on you to continue to lead our County in a smoke-free direction, and to protect the youth from the dangers of second-hand smoke and electronic smoking devices. Thank you all so much for your time and support.

CHAIR WHITE: Thank you, Ms. Folio.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Lorrin Pang, testifying on Bill 6 (2018). To will be followed by Wade Maeda.

MR. LORRIN PANG, DEPARTMENT OF HEALTH [testifying on Bill No. 6 (2018)]:

Good morning, everyone. I'm Lorrin Pang. I speak on behalf of the Department of Health. I support Bill 6. I want to tell you first of all, I agree with everything that was said. We've said this before to different subgroups of the Committee.

But, I want to give you a couple interesting updates. Often we were referred to the CDC, Center for Disease Control and Prevention, as the overall national guide to our health. Since the new Administration came onboard a year ago, all government agencies were told not to use seven words. Four of the words were fixed because of word games. For example, we couldn't say "science-based", but you could say based on science. The three words continued down through the CDC. We are not to use "vulnerable", we are not to use "entitled", or we are not use "diverse populations". Well, that's what this group is; the children in the cars, they're vulnerable.

Well, how do I get to use the word? Well, that's interesting. I get to use the word today, because three days ago, the head of the CDC, Dr. Fitzgerald, was asked to resign because of undisclosed stock in tobacco company, the international tobacco companies. But, to be fair, she had stock in beer and soda, vaccine companies as well.

What I'm trying to tell you is, we are left to ourselves when you say let's join the nation. Well, right now, you're leading the nation until they can define what exactly is vulnerable and what is not vulnerable. The sad point is that the issue, the harm continues. The sad point is that we are left to our, make our own decisions. The sad point is, don't we have tobacco control in spite of the conflict of interest? Hard to know isn't it?

The real control should have been a banning of cigarettes 50 years ago when we really knew how bad it was. But, until then, we ask you to pass this band-aid measure. The kids called it, I'm sorry, the vulnerables called it the first step. That's fine. It's better than nothing. But, be very careful. Even from the high levels, the conflict of interest or potential conflict of interest to be fair, and this matter rests with us now. Thank you.

CHAIR WHITE: Thank you, Dr. Pang.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Wade Maeda, testifying on County Communication 18-55. To be followed by Francine Aarona.

LIEUTENANT WADE MAEDA, MAUI POLICE DEPARTMENT (testifying on County Communication No. 18-55):

Good morning, Chair White and Councilmembers. Appreciate you guys taking the time to let me speak. My name is Lieutenant Wade Maeda, I'm the SWAT Commander for the Maui Police Department.

On behalf of the Maui Police Department, we would like to have you guys allow the Mayor to sign off on a memorandum of understanding to form an Interisland Bomb Squad. Now, the Interisland Bomb Squad consists of Maui County, Kauai County, and Hawaii County. We sent a need survey to the Federal Bureau of Investigation, and they have already said that there's a need to formulate a bomb squad that will service these three islands.

From 2014 to 2017, we had 98 calls for service to include bomb threats, excessive fireworks storage, and EOD's, which is unexploded ordnances. People find grenades or stuff from World War II on the beach, or at their house, as well as improvising explosive devices which is more of a, along the lines of terrorist devices; so somebody that's making bombs.

So, you know, if you look across the nation, there's 400 bomb squads across the nation. The FBI denies the formation of bomb squads all the time, but they have found the need to form this bomb squad. So, I would appreciate it if you guys take the time to think about it. And, you know, it's just, we need a bomb squad. All you need is one terrorist attack, and we'd be unprepared for the event.

What happens is normally we have people from EOD, Army EOD, or FBI come over. That can be time consuming if there's something that's volatile situation where we have to react right away. The best we can do is create a perimeter. With the formation of the bomb squad, we'll have trained EOD techs on this island that will respond, detonate the device in place. They can examine it or disrupt it, or we can transport it to a safe location, and, and safely explode the device at that point. So, I think it's 2018, it's time to formulate the bomb squad.

And again, it will service not only Maui County, but Kauai County and Big Island County. So, Kauai guys will be able to come to Maui or Big Island, and help service if, depending on the size of the threat. So, I appreciate that. Thank you.

CHAIR WHITE: Thank you very much for your testimony. Members, any need for clarification? Seeing none, thank you for being here this morning.

LIEUTENANT MAEDA: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Francine Aarona, testifying on County Communication 18-52. To be followed by Rob Weltman.

MS. FRANCINE AARONA (testifying on County Communication 18-52):

Good morning, Mr. Chair, Councilmembers. The purpose of me being here, my name, sorry, Francine Aarona. I'm also known as "Aunty Mopsy", Protect Paia.

The purpose of Paia-Haiku Community Plan, one of nine within the Maui County, reflects current and anticipated conditions, advances planning goals, objectives, policies and implemation [*sic*] to guide decisions making through 2010. That was done in 1995. It is 2018. It took us eight years to bring us to today, where we are now amending a section of the community plan, which is even not on the agenda to be amended.

But, it took the uproar of the community to realize that our residents are being pushed out of our lifestyle of living, and having to educate themselves to the short-comings of our leaders; people who we ordain to make decisions for us. I can go on and on.

In this that you are to decide today, the alert that concerns me is the cap that you will read in the thing that is prepared for you; the cap of short-term rentals and bed and breakfasts. And, if you look at the current list, you will find that we are at 87. So, we have one more. I see on the agenda that there is a bed and breakfast to be decided upon. That will bring us to 88. This is a really big concern. We have much more illegals out there that qualify under this category.

But, I personally, as a community person, for a year and a half has made this my bible; the Community Plan. I'm just a resident. I live here in Paia. But, the concern is great, and I think you really need to look at this. And, the community has come together and met you halfway to make a decision of what you need to decide today. So, please look at the cap, make sure everything is in order, because we have much more work to do. Thank you so much.

CHAIR WHITE: Thank you very much for being here, Ms. Aarona. Members, any need for clarification? Seeing none, thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next testifier is Rob Weltman, testifying on County Communication 18-51. Mr. Weltman is the last individual who has signed up to testify in the Council chamber.

MR. ROB WELTMAN (testifying on County Communication No. 18-51):

Aloha kakahiaka, Chairman White and Councilmembers. I'm speak, my name is Rob Weltman, I'm speaking for Sierra Club, and in support of bill 18-51.

The Council spent a huge amount of time, almost all of last year, working on how to protect the iwi kupuna and the sand that was being removed from Central Maui. And, eventually, ending up in what is called the sand mining moratorium, only to have effectively a, an end run being done around that bill by the Parks, the Public Works Department granting permits to Maui Lani Partners and to Waiko Industrial.

I believe that bill 18-51 is intended to restore the meaning of the sand mining moratorium, and allow the, allow its full affect to occur. And so, we strongly urge that you support and adopt bill 18-51.

CHAIR WHITE: Thank you very much for your testimony. Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: I believe we have one more testifier. David Prais, testifying on County Communication 18-51, 52, 53, and 58, and Bill 6 (2018).

MR. DAVID PRAIS [testifying on County Communication Nos. 18-51, 18-52, 18-53, 18-58, and Bill No. 6 (2018)]:

Good morning.

CHAIR WHITE: Good morning.

MR. PRAIS: Short some seats today; very short house. Alright, on the sand mining, would like to, I'm for that. As far as pulling the exemptions, it's redefining the sand mining. Let's pull the exemptions that was passed the last three days before that.

CC 18-52, the short-term rentals Paia. I'm not for the short-term rentals.

CC 18-53, 670, definitely against that right there.

CC 18-58, use of Olelo Hawaii. How is it worded, if I'm for Olelo Hawaii, I'm for it. I'm sorry, I'm not familiar with the bill. Yea, so, for it.

Okay, and then the smoking and vaping in cars, Bill 6; that is bad.

But, I please, please, please, I'm here to plead to who's here that on the sand mining, you pull the exempt on that. We're up here upfront again; definitely don't want to meet in the field. Do whatever you guys got to do to pull those exemptions, please. Okay.

And, and then the Olelo, that was just hewa inside there. If you can please help us to be visible because we are not invisible here; whether it be the iwi kupuna or be our language in our own lands. Please help us, because we will meet in the back, but we're up here in the front pleading to you to make right, do right, be right. Okay. Mahalo. Thank you. Thank you.

CHAIR WHITE: Thank you for your testimony this morning, Mr. Prais. Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Clare Apana, testifying on County Communication 18-51. Ms. Apana is the last, excuse me, then to be followed by Rose Reilly.

MS. CLARE APANA (testifying on County Communication No. 18-51 (2018)):

Good morning, Council. I would like to bring you a little more information. I think you were pretty well versed on the Phase 9 permit, and all of its intricacies of violation that it holds, and the fact that I have been asking the Director to take back that permit since January 2, and I haven't even gotten an answer yet from him.

So, but I will bring you some information about the Waiko Industrial parcel. I went to look at the parcel, and it has sand dunes on it. Their permit says that they checked off

that they don't have anything that will be disturbed that's 15-feet high. The dunes that I see look higher than 15-feet. So, I imagine that means that they are going to preserve those dunes, because they're taller than 15-feet and their permit says they're not disturbing anything that's 15-feet or higher.

And so, I hope that Mr. Goode will make sure that that happens, because I have walked there. What is next to this property is the Waikapu sand burial pit, where 22 individuals were found. It is in the same dune system. I don't know if you see, if when you saw the map, the dunes go like this, yea. It is in the same dune system. It is not more than a thousand feet away in the same dune system where 22 burials found after sand mining. This is a very suspect area. And this is really what's wrong with the whole system, is that they are able to cut out all the burials out of their parcel, say I have a clean parcel, no burials, do a couple trenches. They did three trenches in that area where obviously there's sand dunes, and say we're good to go. There are no burials here. And, SHPD must sign off because that's what their permit, that's what their AIS says.

So, here we have another place, this place is really suspect. I don't know if you've seen the permit that they asked for, but Public Works allowed them to have 81,000 square feet, cubic yards of sand or material to be taken out. And, this is just a travesty. Is that grading, taking out 81,000 cubic yards? Is that really what's covered by a grading permit? I don't think so when you read the grading ordinance.

So, here again we have a permit that came in three days before the moratorium, the second moratorium bill was voted on. And, it is highly suspect as to whether it is really valid, and the information on it true. So, I would hope that you would support not letting any of the exemptions come in, because the two that have come in are really not permits that are asking to do something in an area that doesn't have sand dunes or suspect burials.

DEPUTY COUNTY CLERK: Four minutes.

MS. APANA: Thank you very much.

CHAIR WHITE: Thank you very much, Ms. Apana. Members, any need for clarification?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Ms. Apana, we, we are working on a bill, right, currently that's in Mr. Carroll's Committee. And, that has language in there that we are amending to make sure that what has happened, an extension of the permits as such, would not have been granted. But, there's also provisions in there that triggers

if there's anomalies that SHPD, State of Hawaii Historic Preservation Department or Division has that would, shall require our Public Director to suspend or revoke. So, there is language in there that we, that you came forward and helped us with that. But, that's still pending. I don't think that the, and I apologize, Chair, I just wanted to clarify, I don't think that the moratorium is what we need to be doing right at this moment. I think those two bills that are coming out are going to really address the issues.

MS. APANA: I think that I watched the whole, I watched the meeting, and what Ms. Andaya suggested is far from anything that will protect our iwi kupuna. And, take the Phase 9 sand mining site, there are various violations including taking too much of the sand. They took too much of the grade down. That's a violation. They did not take the permit back. They could've taken it back, but they did not. Instead, they renewed it.

In your language for that bill, it does not address a situation that is so clearly wrong. It does not say you must take that out. It does not say that you must revoke that permit. It says we shall do it, and we'll give you chance to make it right, in which case they were allowed to put sand, try to put sand back up on the hill. Is that right? I don't think so. So--

COUNCILMEMBER GUZMAN: We're amending that one.

CHAIR WHITE: Ms. Apana.

MS. APANA: So much, so much to do. Thank you very much.

CHAIR WHITE: Okay.

COUNCILMEMBER GUZMAN: Sorry, apologize.

CHAIR WHITE: Ms. Apana, I'm sorry, but this is not something that's on the agenda for today.

MS. APANA: Okay.

CHAIR WHITE: So, but, I think, I think you both been able to cover the ground that you need to cover for today. But, please feel free to come back and discuss that when that bill comes forward again.

MS. APANA: Thank you very much.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Rose Reilly, testifying on County Communication 18-51. To be followed by Ke`eaumoku Kapu.

MS. ROSE REILLY (testifying on County Communication No. 18-51):

Aloha, good morning. I would like to testify to say that I definitely think that there shouldn't be exemptions to the sand mining moratorium.

That we're, I feel like under assault by developmental companies on Maui, and that we need to take a breath. And just to even have like something like the sand mining moratorium protecting the land and the people, you know, for just a little while. Six months is hardly anything. It's just like, we just need a breath. And these guys at Maui Lani, like, I see the good things that they do, but I also see a lot of the bad things that they do. And, like, I was there for a lot of that court case about Phase 9. And, like, you know, like their attitude needs to change a little bit, and maybe some, you know, time to breath for them and education will help them to understand better. But, yea, I just wanted to add that I do think that everyone should be included in the sand mining moratorium, please. Thank you.

CHAIR WHITE: Thank you very much, Ms. Reilly. Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Ke`eaumoku Kapu, testifying on County Communications 18-51 and 18-58. He's the last individual to sign up to testify in the Council chamber.

MR. KE`EAUMOKU KAPU, AHA MOKU O MAUI (testifying on County Communication Nos. 18-51 and 18-58):

Good morning, everybody.

CHAIR WHITE: Good morning.

MR. KAPU: My name is Ke`eaumoku Kapu. I'm from Lahaina. The first issue is the moratorium that I wanted to talk about. You know, we've for years, since 2007, tried to implement a lot of our policies when it came to the Aha Moku system in, when this

County was going through the general plan, with the general, the GPAC, the General Plan Action Committee. So, we implemented a lot of things back them.

And one of them was to encourage the Council to look at the traditional methodology on how we're going to involve our elders within the community to be a part of the process. And the process meaning planning, cultural resources, who would be those specific individuals that the County can rely on as a resource, especially through these kinds of abstractions when it comes to sand and pohaku?

Every moku has merits within itself. And within every moku, you have representatives that live within those areas for a long time that could be a beneficial resource to the community and a beneficial resource to the County. So, my whole reasons as to why I'm coming is how we going implement this language into this moratorium to make sure that we get the right people at the table when we start talking about sand mining, when we start talking about abstractions, when we start talking about, you know, I know that the County needs a lot of these resources for patching roads and all these kinds of things.

But, I think now we have the, a perfect opportunity right now because of the moratorium, yea, to really look at the language and how we going implement the policies and the processes to get the right people at the table when we start looking at our resources and how those resources going benefit us for our future generations tomorrow. I know there's a lot of issues when it comes to the abstraction, when it comes to like iwi kupuna and things like that. We got to nip this thing right in the butt from the beginning. How we going get the right people at the table to implement them to be a part of this so-called moratorium process.

And, that's the whole reason why I'm here today, to make sure that we implement the language to all the representatives coming that has been a part of the aha moku system from day one, that we want to make sure that we're placent [*sic*], that a lot of the elders within the community going have an opportunity to voice their opinion when it comes to the abstraction of our resources, getting the right people to the table. So, mahalo. Thank you.

CHAIR WHITE: You also signed up for 15, I'm sorry, 18-58.

MR. KAPU: Yea. Now, this one is kind of interesting stickler to me. You know, when we start asking the AG's office to make sure that we have the right interpreters at the table, so the people that going be making the decisions going understand where we coming from when we're talking about Papa Olelo Hawaii. Why is it that we gotta find people to interpret for the people that sitting in government? Why is that?

Why don't we just flip the coin and say that the right people that should be sitting at those benches, especially for the judges, the councilors, the attorneys, that they . . . Olelo Hawaii? Why all of a sudden we got to risk ourselves to put ourselves on the line because people don't understand?

A lot of people say, eh, I was born and raised here. Plenty of the malihini that come from different places, they say I was born and raised here, my kids was born and raised here. Well, take up the Olelo Hawaii. This is the host island. This place is really important to us. And you, if you love Hawaii, then take up the effort of learning Olelo Hawaii, and not having us always gotta go through the spin of making people understand where we coming from.

It's kind of the genocidal process to me when all of a sudden when I sit in a court room, you know, everybody is applicable, yea, when the judge says, oh if you cannot speak English then you'll be provided an interpreter. Why all of a sudden that we the ones going be provided the interpreter? We should have the right people at the bench that understands where we coming from as kanaka maoli.

And, that's why, what I just wanted, that's all I just wanted to add to that equation; that I think we going kind of little bit backwards when we start looking at this in the AG's Office. What should make a fair determination to make sure that we have a place in society when we talking about Olelo Hawaii.

So, mahalo no kakou, everybody, for your time. I'm really interested in a lot of other topics on the agenda, but these two priorities on the sand mining moratorium and the Papa Olelo Hawaii really interest me dearly, and that's the reason why I'm here today. So, thank you. Mahalo. Mahalo for your time

CHAIR WHITE: Thank you, Mr. Kapu. Members, any need for clarification? Thank you for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Michael Baskin, testifying on County Communication 18-52. He's the last individual to sign up to testify in the Council chamber.

MR. MICHAEL BASKIN (testifying on County Communication No. 18-52):

Aloha. Good morning. My name is Michael Baskin. And, I'm here to testify in support of 18-52 for myself.

I just want to say this is a good opportunity to amend and update the Haiku Community Plan so it's consistent to allow for the vacation rentals. Even though it is a very dated community plan and it should have been done a while ago, this is the opportunity to do so. I believe that the cap of 88 is fair, and so if we're near that cap that's fine. I think a cap is a great solution to try and to maintain it and keep it small on the Northshore.

I wanted to bring to your attention, also, that a few years back, this Council voted 8-0, and it was signed by the Mayor, to also allow for TVR use in the B-CT and B-2 District, which includes Paia and Haiku. It has already come to the Planning Commission, and there was one application that was denied because there was discussion of whether or not it was in the Paia-Haiku Community Plan. And that is now on appeal.

There was also another one that came, and the Director recently, a couple of months ago, did approve in Paia without the Planning Commissions involvement, and the community plan review, and it was approved to allow for five TVR in the Business District, in downtown Paia.

So, this inconsistency I think could be solved, and through the amendment of the Paia-Haiku Community Plan. So, my point is, if you're going to take the time, and I appreciate you doing so, and amending the Community Plan, take this time to also address that its use is allowed in the Business District. And, the purpose of that at the time, cause I was here for those hearings, was to allow a small limited amount. It's up to 12 rooms only, which in my view, and it was the view of the Council back then, this will actually help move some of it out of the residential area and into the business area where it's appropriate, it's small scale, it's still family-run mom and pop operations. And, those operations will help with the economic base of the communities in Paia. And Paia is definitely a visitor town, and there's an opportunity there for those people owning the commercial buildings to also have a small limited amount of that.

So, when you take a look at the language, please insert and add simply the word "TVR" or "transient vacation rental", so that the Community Plan allows for that use per the ordinances that you passed. Mahalo. Thank you.

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

MR. BASKIN: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber or at the District Offices.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we've received written testimony. Without objection, we'll accept that 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. Breeana Anguay;
2. Katie Folio, the Hawaii Public Health Institute and the Coalition for a Tobacco-Free Hawaii;
3. State of Hawaii Department of Health;
4. Michael Baskin;
5. Keolapono Keahi;
6. Kristian Silva;
7. Kalena;
8. Teancum Aiwohi;
9. Lauren Almeida;
10. La`akeaokalani Awai;
11. Kisen-Leo Mercado;
12. Melia Kama;
13. Duke Kapua;
14. Katarina Hokulani Panoke Gec;
15. Richard Haney;
16. Sierra Kalua;
17. Kahiau Kaniho;
18. Chasey Koomoa-Sidney;
19. Malina Mossman;
20. Katalina Nakoa;
21. Elijah Uwekoolani;
22. Takara Lee Kiesel;
23. Kamahie Samudio;
24. Kale Robson;
25. Dayven Tonu;
26. Puniawa Vedder;
27. Kayla Yamashita;

28. Jonah Raboy;
29. Makamae Nalei`eha;
30. Danielle Bridge;
31. Savannah Dagupion;
32. Tianna Lopez;
33. Pukonakona Patricio;
34. Jaedon Galicinao;
35. Zachary Genobia;
36. Duke Borge;
37. Lauryn Hashimoto;
38. Sasha Jorgensen;
39. Jana-Nicole Laborte;
40. Lena Namoa;
41. Debra Koonohiokala Norenberg;
42. Connor Nohea Viela;
43. Ezekiel Weber;
44. Isaiah Souza;
45. John Jarnesky;
46. Jayci Bulosan;
47. Sheanalyn Kahalewai;
48. Benton Kealii Pang, Hawaiian Civic Club of Honolulu;
49. John A. H. Tomoso;
50. Mark Hyde;
51. Erika Lechuga DiSalvo;
52. Barbara Barry;
53. Joseph Kohn; and
54. Jennifer Noelani Ahia.

CHAIR WHITE: No objection. Thank you. So ordered. And without objection, Members, we will close public testimony for the day.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed.

Mr. Clerk, let's proceed with the remainder. Excuse me. Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:46 A.M., AND WAS RECONVENED AT 9:51 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS COCHRAN, CRIVELLO, KING, AND SUGIMURA, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with County Communications.

### COUNTY COMMUNICATIONS

NO. 18-38 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated January 11, 2018)

Transmitting two reports on the settlement of claims as of September 30, 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: I would request the Clerk bring up 18-39 with no objections.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 18-39 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated January 17, 2018)

Transmitting 91 contracts/grants for December 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE TO FILE COUNTY COMMUNICATIONS AS READ BY  
THE CLERK, EXCEPT FOR REFERRAL TO BUDGET AND  
FINANCE; CONTRACT C6172-1, FERRARO CHOI, FOR  
CONTINUED OVERSITE REVIEW BY YOUR COMMITTEE.

CHAIR WHITE: Members, any other requests for referrals from the list of contracts?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

COUNCILMEMBER HOKAMA: Chairman, I need a second.

CHAIR WHITE: Oh I'm sorry.

COUNCILMEMBER ATAY:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Hokama, and a second from Mr. Atay.

VICE-CHAIR CARROLL: Excuse me, Chair, I have an addition for the contracts.

CHAIR WHITE: Okay. Mr. Guzman had one, and then I'll come to you after that.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I'D LIKE TO REQUEST MR. HOKAMA TO, CONTRACT NO. 6,  
EXCUSE ME, C6407 BE REFERRED TO THE PRL  
COMMITTEE; THAT'S THE WAIERU GOLF COURSE  
CLUBHOUSE FEASIBILITY STUDY AND MASTER PLAN WITH  
THE DEPARTMENT OF PARKS AND RECREATION.

CHAIR WHITE: Thank you.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

MAY I REQUEST THAT THE FOLLOWING CONTRACTS AND  
GRANTS BE REFERRED TO THE HOUSING, HUMAN  
SERVICE, AND TRANSPORTATION COMMITTEE: C6417,  
RELATING TO MAUI COUNTY BUS STOP PROJECT

PHASE 6; AND RELATING TO THE, AND G4548, RELATING TO THE BUS REPLACEMENT OPERATIONS; AND G4577, RELATING TO HALE MAHAOLU EWALU SENIOR PROJECT; AND G4580, RELATING TO THE KA HALE A KE OLA RENEWAL PROJECT PHASE II; AND G4592, RELATING TO THE HOME OWNERSHIP AND HOUSING COUNSELING PROGRAM.

Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Clerk, did you get those?

DEPUTY COUNTY CLERK: Yes, Mr. Chair.

CHAIR WHITE: Okay. Any other requests? Seeing none, back to Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Okay. Any other discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure carries with five "ayes", four "excused"; Members Crivello, Sugimura, Cochran, and King.

Mr. Clerk.

NO. 18-40 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated January 16, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 9, Kaupakalua Road, Kuiaha-Pauwela Homesteads Subdivision, TMK: (2) 2-7-012:271.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO FILE THE COUNTY COMMUNICATION 18-40.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. This is basically a housekeeping item. In accordance with Section 3.44.015(H) of the Maui County Code, the Director of Finance is required to notify the Council in writing of any acquisitions or conveyances made to the County pursuant to this section. As described as, in the title, this is basically a lot widening project that, or at least, real, real property that is being required.

No County funds were used to acquire the property.

Accordingly, this information was provided by the county communication and the roadway lot was constructed to County standards and provided, provides necessary right-of-way widths. Therefore, I ask for the filing of the county communication.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

NO. 18-41 - KEITH A. REGAN, MANAGING DIRECTOR,  
(dated January 19, 2018)

Informing of a vacancy on the Liquor Control Commission due to the resignation of Dana Souza on January 19, 2018.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

ON BEHALF OF THE CHAIR OF THE POLICY, ECONOMIC  
DEVELOPMENT, AND AGRICULTURE COMMITTEE, I MOVE  
TO FILE COUNTY COMMUNICATION 18-41.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The communication notifies the Council of Dana Souza's resignation from the Liquor Control Commission on January 19, 2018. We wish Mr. Souza the best in his future endeavors, and thank him for serving the community. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

NO. 18-42 - STACY CRIVELLO, COUNCILMEMBER,  
(dated January 25, 2018)

Transmitting a Councilmember's report on the Hawaii State Association of Counties Executive Committee meeting and informational briefing with the State Legislators on January 16, 2018.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE TO FILE COMMUNICATION 18-42.

COUNCILMEMBER ATAY:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is a report by Member Crivello, who represents this County at the State Council of State Associations as one of our officers. She has provided a written report of the meeting, and therefore, I would direct all Members to address the February 2, 2018, correspondence from Ms. Crivello regarding the summarization of the meeting. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", four "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with County Communications for referral. The following County Communications are recommended for referral to the following committees as noted.

NO. 18-43 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated January 12, 2018)

Reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of December 31, 2017.

The recommended action is that County Communication No. 18-43 be referred to the Budget and Finance Committee.

NO. 18-44 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated January 18, 2018)

Transmitting a report of short-term investments for the quarter ended December 31, 2017 (Fiscal Year 2018 Second Quarter).

The recommended action is that County Communication No. 18-44 be referred to the Budget and Finance Committee.

NO. 18-45 - CAROL REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated January 11, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION".

The recommended action is that County Communication No. 18-45 be referred to the Budget and Finance Committee.

NO. 18-46 - RIKI HOKAMA, COUNCILMEMBER,  
(dated January 26, 2018)

Relating to the constitutionality of transient accommodations brokers collecting taxes.

The recommended action is that County Communication No. 18-46 be referred to the Budget and Finance Committee.

NO. 18-47 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated January 22, 2018)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, WAIKAPU COMMUNITY CENTER EXPANSION; TOTAL CAPITAL IMPROVEMENT

PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4454, BILL NO. 63 (2017), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAPU COMMUNITY CENTER EXPANSION); and
3. "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 PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIKAPU COMMUNITY CENTER EXPANSION".

The recommended action is that County Communication No. 18-47 be referred to the Budget and Finance Committee.

NO. 18-48 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated January 22, 2018)

Transmitting a proposed bill 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 WATER SUPPLY, COUNTYWIDE, COUNTYWIDE FACILITY IMPROVEMENTS".

The recommended action is that County Communication No. 18-48 be referred to the Budget and Finance Committee.

NO. 18-49 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated January 24, 2018)

Transmitting 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 ENVIRONMENTAL MANAGEMENT, SOLID WASTE OPERATIONS PROGRAM – SOLID WASTE MANAGEMENT FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

The recommended action is that County Communication No. 18-49 be referred to the Budget and Finance Committee.

NO. 18-50 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated January 26, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PARKS AND RECREATION, RECREATION AND SUPPORT SERVICES PROGRAM".

The recommended action is that County Communication No. 18-50 be referred to the Budget and Finance Committee.

NO. 18-51 - ELLE COCHRAN, COUNCILMEMBER,  
(dated January 25, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 20.40.020, MAUI COUNTY CODE, RELATING TO THE DEFINITION OF 'SAND MINING'"

The recommended action is that County Communication No. 18-51 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-52 - WILLIAM SPENCE, PLANNING DIRECTOR,  
(dated January 11, 2018)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE PA'IA-HA'IKU COMMUNITY PLAN RELATING TO VISITOR ACCOMMODATIONS"; and
2. "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE PAIA-HAIKU COMMUNITY PLAN AREA".

The recommended action is that County Communication No. 18-52 be referred to the Land Use Committee.

NO. 18-53 - WILLIAM SPENCE, PLANNING DIRECTOR,  
(dated January 12, 2018)

Relating to a Change in Zoning for Honua`ula Partners LLC, transmitting copies of documents and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3554 (2008) TO AMEND CONDITION NUMBER 5 OF EXHIBIT "B", FOR PROJECT DISTRICT 9 (WAILEA 670) ZONING FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUKOU, MAUI, HAWAII".

The recommended action is that County Communication No. 18-53 be referred to the Land Use Committee.

NO. 18-54 - ALIKA ATAY, COUNCILMEMBER,  
(dated January 24, 2018)

Transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106".

The recommended action is that County Communication No. 18-54 be referred to the Land Use Committee.

NO. 18-55 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated January 11, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII INTERISLAND BOMB SQUAD".

The recommended action is that County Communication No. 18-55 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-56 - STACY CRIVELLO, COUNCILMEMBER,  
(dated January 18, 2018)

Relating to taxi-cabs, Ubers, and Lyfts Services on Maui.

The recommended action is that County Communication No. 18-56 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-57 - RIKI HOKAMA, COUNCILMEMBER,  
(dated January 25, 2018)

Requiring County employees involved in an accident while operating a County-owned or County-rented vehicle to attend a driver's training course.

The recommended action is that County Communication No. 18-57 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-58 - ELLE COCHRAN, COUNCILMEMBER,  
(dated January 25, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12, MAUI COUNTY CODE, RELATING TO COUNTY DEPARTMENTS".

The recommended action is that County Communication No. 18-58 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-59 - YUKI LEI SUGIMURA, COUNCILMEMBER,  
(dated January 26, 2018)

Relating to federal, state, and county partnerships to address the conversion of cesspools.

The recommended action is that County Communication No. 18-59 be referred to the Policy, Economic Development, and Agriculture Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So, we will refer them as read.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with Committee Reports.

### COMMITTEE REPORTS

COMMITTEE REPORT  
NO. 18-10 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 18-7, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 12, POLICE OFFICERS," be ADOPTED;
2. That Resolution 18-8, entitled "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 12, POLICE OFFICERS," be ADOPTED; and
3. That County Communication 17-467, from the Mayor, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 18-10,  
ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

CHAIR WHITE: We need a second.

COUNCILMEMBER ATAY:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is regarding collective bargaining agreement for Unit 12, or known as SHOPO, which is for us a, that's our County's police officers. We are recommending approval of the resolution to ratify their new contract proposals for a four-year agreement.

My only additional commitment, I mean commitment forecast is that Council will be looking at raising taxes to fund collective bargaining, Chairman; minimum of at least three percent increase. Thank you.

CHAIR WHITE: Any other discussion on the item, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTIONS 18-7 and 18-8, respectively.

#### COMMITTEE REPORT

NO. 18-11 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 7 (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 HOUSING AND HUMAN CONCERNS (AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: With no objections, I would ask the Clerk bring up 18-12.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT  
NO. 18-12 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 8 (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, OCEAN RECREATIONAL ACTIVITY FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-7, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS AS READ BY THE CLERK, ALONG WITH ITS RECOMMENDATIONS BE ADOPTED, AND THAT COUNCIL PASS FIRST READING BE ORDERED TO PRINT SAID LEGISLATION.

COUNCILMEMBER ATAY:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, a second from Mr. Atay.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Members, any need for discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 18-11, for the record, it's BILL 7 (2018). Relative to Committee Report 18-12, for the record is BILL 8 (2018).

COMMITTEE REPORT

NO. 18-13 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS  
COMMITTEE:

Recommending that Resolution 18-9, entitled "AUTHORIZING AN INCREASE IN COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA & GODA, LLP IN HARRY DONENFELD V. COUNTY OF MAUI, ET AL., USDC CIVIL NO. 16-00381 DKW-KJM," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 18-13.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on September 19, 2017, and January 23, 2018, to consider the proposed resolution.

The First Amended Complaint in this case alleges Harry Donenfeld was terminated as the Maui County Film Commissioner in violation of his due process rights under the United States Constitution as well as the Hawaii State Constitution, breach of contract, defamation, and violations of the statutory privacy interest, among other things. Mr. Donenfeld sought damages including punitive damages.

This case has been settled. The Deputy Corporation Counsel said that the case, the only remaining matter is the payment of the special counsel's final bill, which is the total of \$21,815.33.

I ask the Council's support for the Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-9.

COMMITTEE REPORT

NO. 18-14 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Bill 9 (2018), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, THE CITY AND COUNTY OF HONOLULU, THE COUNTY OF KAUAI, AND THE COUNTY OF HAWAII TO SHARE THE COSTS AND EXPENSES OF SERVICES DIRECTLY RELATED TO THE INTEREST ARBITRATION HEARING FOR BARGAINING UNIT 14," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-18, from the Director of Personnel Services, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

ON BEHALF OF THE CHAIR OF THE POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 18-14.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Policy, and Economic Development, and Agriculture Committee met on January 22, 2018 to consider a proposed bill authorizing the Mayor to enter into an intergovernmental agreement with the State of Hawaii, the City and County of Honolulu, the County of Kauai, and the County of Hawaii, collectively referred to as a "Pacific Employee Group" *[sic]*, to share the costs and

expense of the professional services to include expert witness, arbitration, and court reporters as it directly relate to the interest arbitration hearing for Bargaining Unit 14.

The Public Employers Group and the Hawaii Government Employees Association are at an impasse, it is anticipated that the matter will be resolved via interest arbitration.

Cost and expenses will be equally distributed among the five entities in the Public Employer Group, with each being responsible for 20 percent of the total cost. The Department of Corporation Counsel's litigation fund will absorb the County of Maui's portion of the cost.

Your Committee voted 6-0 to recommend passage of the revised proposed bill incorporating non-substantive revisions and filing of the communication. I respectfully ask for the Council's support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, quickly. I speak in support of the motion before the body this morning. I will just state my displeasure. Mr. Carroll was very accurate, there's five employers, we're splitting the bill in five ways. We're all paying one-fifth, 20 percent. However, there's eight votes of the five employers. The State has four votes. The Counties have four. I prefer the State pay half the bill since they control half the votes. And, I think that is only fair, fairness, Chairman, to our County taxpayers. They got to ante up our requirements for collective bargaining. So, thank you very much.

CHAIR WHITE: Thank you, Mr. Hokama. You bring up a very valid point. And if it was divided by the votes or by the number of the employees in, in State employment, I think the State would still be picking up a much larger share than just 20 percent. So, good point.

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

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 9 (2018).

COMMITTEE REPORT

NO. 18-15 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE  
COMMITTEE:

Recommending the following:

1. That Resolution 18-10, entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 183 PAIRS OF OLUKAI FOOTWEAR TO THE OCEAN SAFETY PROGRAM OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 17-450, from the Fire Chief, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 18-15.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Mr. Hokama.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Policy, Economic Development, and Agriculture Committee met on November 27, 2017, and January 22, 2018, to consider a proposed resolution authorizing acceptance of a donation of 183 pairs of Olukai footwear, valued at \$15,738, from the Hawaiian Lifeguard Association, to provide protective footwear for all County ocean safety officers employed in the lifeguard division.

The Fire Chief and Hawaiian Lifeguard Association has made similar donations to the County for the past four years. Olukai footwear manufacturer provides footwear to the Hawaiian Lifeguard Association, which in turn donates the footwear to the County.

A Deputy Corporation Counsel confirmed the donation is not an endorsement of Olukai by the County.

The donation would also not constitute a sponsorship under Section 13.04A.430, Maui County Code.

Your Committee voted 6-0 to recommend the adoption of the proposed resolution. I respectfully ask for the Council's support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-10.

Mr. Chair, proceeding with ordinances, second and final reading.

**ORDINANCES**

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 1 (2018)

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)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I request the Clerk bring up  
Bill No. 2 (2018).

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 2 (2018)

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))

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE THAT BILL 1 AND 2 OF 2018 PASS SECOND AND  
FINAL READING.

COUNCILMEMBER ATAY:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Members, any need for further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 3 (2018)

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)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much.

FOR YOU AND THE MEMBERS THIS MORNING, I WOULD REQUEST THAT BILLS 3, 4, AND 5 OF 2018 BE POSTPONED TILL FEBRUARY 16, COUNCIL MEETING FOR FURTHER ACTION AND DECISION-MAKING.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 4 (2018)

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

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 5 (2018)

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

CHAIR WHITE: We will defer this, these items until that meeting.

COUNCILMEMBER HOKAMA: Chairman, yea, with no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

COUNCILMEMBER HOKAMA: Chairman, if I may please?

CHAIR WHITE: Yes.

COUNCILMEMBER HOKAMA: The request, Chairman, this morning is basically one to meet the requirement of our County law. One of the proposed vehicles of the legislation is to take funds from the Capital Improvement Reserve Fund. By requirement, the Council needs a minimum of seven affirmative votes. So, as we can see, we only have five Members this morning, therefore, there's no way we can take a vote to reach seven.

I would ask that by the deferral, we allow the full Council to be able to meet and then make a determination on the decision, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 6 (2018)

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

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

ON BEHALF OF THE CHAIR OF THE POLICY, ECONOMIC  
DEVELOPMENT, AND AGRICULTURE COMMITTEE, I MOVE  
TO PASS BILL 6 (2018) ON SECOND AND FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Bill 6 (2018) amends Chapter 8.20, Maui County Code, to prohibit smoking in vehicles when minors under the age of 18 are present, thus reducing the minors' exposure to second-hand smoke.

The bill applies to motor vehicles operated on public roadways or private roadways open to the public. The bill also recommends an enlarged definition of "smoke" or "smoking," similar to the definition already in place for bus stops, which also includes the use of electronic smoking devices.

Further, violations would be subject to a fine of \$200. If enacted, the ordinance will go into effect on July 1, 2018.

I respectfully ask the full Council's support of Bill 6 (2018). Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I speak in support of the motion. I too would like to publicly state my appreciation to Chairman Sugimura for being very dogged in shepherding this legislation through the process. I appreciate the outreach of our young people. I think they've shown that they can make a difference.

And, I would ask our youth to please continue to work on all of us adults, because there's another big thing they can assist us with is bad driving in Maui County. We got a lot of bad drivers out here. So, I would ask our youth to ensure safety by also reminding parents and other adults; don't run yellow lights, don't run red lights. Your safety is just as important in that situation as smoking in the car, Chairman.

So, I thank the youth for their participation, and ask them to continue as we move forward into the democratic process of elections in choosing leadership for the County in the next 10 months; that they also participate in that process. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members?

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. As I had mentioned earlier in previous meetings, in the readings of this bill here, I fully support this move, primarily because when we sit here and make laws and ordinances, it is also to protect the youth, especially the young ones, the babies who are sitting in the car seats that can't speak for themselves. So, I look at this, this ordinance, this law as allowing the babies having a voice to protect themselves. And, that's our kuleana; is to look after the health and safety of our children. So, I want to push that.

Also, say mahalo to all the involvement of all youths in the process of assisting us in bringing law. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I also would like to thank all those who came to give testimony all this time, all of the meetings we had, and all the people that came to my office and to the other offices promoting this. And, the care and love they had to spend that time, especially all those who came to give testimony; our youth today and all throughout the process. And, they really need to know that they're the one that made this happen today. Mahalo, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I also speak in support of the motion. I have a great appreciation for the Tobacco Coalition and working with them in previous years, and passing my staunch bill which was the no smoking in the parks and on our beaches. And, at that time, the youth came out in full groves and collected butts off the beaches, which is, are the cigarette butts and collected into the data. So, again we see a surge of involvement in our youth participating in our government, and actively doing so by testifying and showing support for what they believe is right and what is more healthy in their community.

I also appreciate the fact that the Tobacco Coalition and Chair Sugimura was willing to work with myself and my office to amend the measure so that we at least, as legislators, look at the bigger picture as well as that we need to still maintain balance and the right to have privacy and the protections under our United States Constitution, specifically our reasonable expectations of privacy. So, it was, it was fortunate enough that amendments were made so that we could balance those, those rights so that we don't interfere with our personal rights as well.

So, I appreciate all the youth that were here and also the Coalition's great support. Thank you.

CHAIR WHITE: Thank you. And, it's been great to have the youth here supporting this and sharing their mana`o. And, thank you for taking the time out of your school day. I'm sure it's not too hard to draw you out of class for a little while. But, thank you for your participation, and the participation of others that came on an earlier trip. So, congratulations for your interest, and we appreciate you taking the time out of your day.

With that, Members, please signify by saying "aye" if you're in favor of this bill.

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,  
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: And signify by saying "no" if you're not.

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO,  
KING, AND SUGIMURA.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there's no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you all for being here today. And, with that, this meeting is adjourned.

ADJOURNMENT

The regular meeting of February 2, 2018 was adjourned by the Chair at 10:23 a.m.

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

180202/lks:jm

Untitled

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

Wed 1/31/2018 10:53 AM

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

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

RECEIVED  
2018 JAN 31 AM 10:55  
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

Re: STRONG SUPPORT for CR18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd , 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha Chair and Maui County Council,

My name is Breeana Anguay and I am here representing Kamehameha Schools Maui. I strongly support CR18-9. I think most people know the risks of vaping but not the biological effects. According to the Life Science website a chemical called nicotine, can be very addictive. Too much nicotine can cause many things like lung cancer and infections that are in your respiratory system. In the long-term you would find yourself in a very serious situation. It can affect your respiratory system when you inhale the vapor with the flavored e-juice. Many chemicals that cause cancer are in this vapor. That includes formaldehyde, heavy metals, and particles that can get stuck in the deepest parts of your lungs. Cancer is a disease caused by an uncontrolled division of abnormal cells in a part of the body. A chemical called NNAL which is in e-cigarettes goes into your lungs at then gets trapped into there body then goes into the bloodstream and can cause the cancer growth.

Also according to The Guardian News it states “The nicotine inhaled could be converted into chemicals that damage DNA in the heart, lungs and bladder, and dampen down the body’s genetic repair mechanisms.” Vaping can also affect your immune system. The greater susceptibility to infections such as pneumonia and influenza. Pneumon. Smoking can hurt your immune System when you vape because you can ruin your genetic genes. Scientist from the webmd website says that vaping is 95% safer than

smoking cigarettes, but just because it's safer it doesn't mean that you still can't get hurt from it.

Thank you for your time and consideration

Breeana Anguay  
Kahului, Hi, 96732

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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 31, 2018

Re: STRONG SUPPORT for Bill 6, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha Chair White and honorable members of the council, my name is Katie Folio and I am here before you on behalf of the Maui, Molokai, and Lana'i Coalition for a Tobacco-Free Hawai'i, 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 and a program of the Hawai'i Public Health Institute. The Coalition and its many partners strongly support Bill 6, which would prohibit smoking in vehicles when persons under the age of 18 are present, as a positive step towards protecting the *keiki* of Maui County.

We urge Maui County to pass Bill 6 through its second reading and join the other three counties in protecting children from secondhand smoke in cars. With over 7,000 chemicals and at least 70 carcinogens in secondhand smoke, even brief exposure can be harmful to health. Within the small, confined space of a vehicle, the air quality can reach levels *ten times* over what the US Environmental Protection Agency considers hazardous. Children are particularly susceptible to the health effects of secondhand smoke, as their lungs and organs are still developing.

In addition to protecting the health of our *keiki*, smoke-free cars also has strong support from Maui County residents. An independent poll conducted by Ward Research Inc. for the Coalition found that eighty-three percent of Maui County registered voters support a law that would prohibit smoking in vehicles when a minor is present.

One concern that has been raised is that this measure would infringe on a person's right to smoke within a private vehicle. However, there is precedence to regulate activity within private vehicles to protect the health and safety of our children, such as laws on seatbelts or child safety seats. In addition, there is no constitutional right to smoke. In contrast, the right to health is recognized by the World Health Organization.

We would like to sincerely thank the Council for moving Bill 6 forward and for supporting the many youth and community members who have come to demonstrate their support of this bill. I ask that you continue to show your support and pass the bill through the second and final council reading, ensuring that the keiki of Maui County will be protected from exposure to secondhand smoke in vehicles.

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](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.

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

RECEIVED

VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH  
2018 FEB -1 PM 2:50

OFFICE OF THE  
COUNTY CLERK

**Testimony in SUPPORT of Bill 6 (2018)  
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**

MAUI COUNTY COUNCIL

Hearing Date: February 2, 2018

Room Number: Council Chamber,  
Kalana O Maui  
Building, 8<sup>th</sup> Floor

1 **Fiscal Implications:** None for the Department of Health (DOH).

2 **Department Testimony:** The DOH supports Bill 6 (2018) as a public health measure to protect  
3 youth under the age of 18 years from involuntary exposure to tobacco smoke in motor vehicles.  
4 The Department also supports the inclusion of electronic smoking devices in the definition of  
5 “smoke” or “smoking” and defers to the County regarding fines.

6 The dangers of secondhand smoke are well-documented and have led to the successful  
7 enactment of smoke-free workplace and public place laws both in Hawaii and across the nation.  
8 More than half of all states in the U.S. have smoke-free workplace laws, and in recent years,  
9 Hawaii’s smoke-free policies have expanded to include beaches, parks, and bus stops. Leading  
10 health authorities throughout the world concur that there is no risk-free level of exposure to  
11 secondhand smoke, and that the only effective way to protect people from harm is to totally  
12 eliminate smoking in enclosed spaces.<sup>1</sup> A recent study published by the U.S. Centers for Disease  
13 Control and Prevention (CDC) indicates that approximately 15% of American teens who have  
14 never used tobacco reported being exposed to harmful secondhand smoke in a car in the past  
15 week.<sup>2</sup> Hawaii youth in 2015 reported higher rates of exposure; 16% for middle school students,  
16 and 18% for high school students.<sup>3</sup>

1 Extensive scientific literature shows that passive smoke exposure in a confined space,  
2 such as inside a car, is particularly harmful. The concentration of toxins in a smoke-filled car  
3 can be several times greater than that of a smoky bar, and children are more vulnerable.<sup>4,5</sup> Toxin  
4 levels in a vehicle with secondhand smoke can exceed some of the worst air quality days in a  
5 large city.<sup>6</sup> Tobacco smoke is a scientifically verified toxic air contaminant which increases  
6 morbidity and mortality in children leading to respiratory infections, sudden infant death  
7 syndrome, ear infections, and more severe asthma.<sup>7,8</sup> Educational campaigns about smoking in  
8 cars can help shape community norms and impact individual behavior. However, in the absence  
9 of a legislative mandate, those who are most vulnerable, particularly children, remain powerless  
10 to avoid exposure or protect themselves from harm.<sup>9</sup>

11 In 2016, the Surgeon General declared that aerosol from an electronic smoking device  
12 (ESD) can contain both harmful and potentially harmful chemicals aside from nicotine.<sup>10</sup> Other  
13 studies found hazardous constituents in ESDs including traces of metal, volatile organic  
14 compounds, and nitrosamines.<sup>11</sup> Nicotine present in the ESD aerosol can also be absorbed by  
15 users and bystanders.<sup>12</sup> Additionally, the rapidly evolving and currently under regulated nature  
16 of the ESD market makes it impossible for consumers to verify the chemical composition and  
17 safety of the products they consume.

18 Three counties in the state have enacted smoke-free vehicles ordinances. Two counties,  
19 Hawaii County and the City & County of Honolulu have laws that protects children and youth to  
20 age 18 years of age from smoking in motor vehicles. The Kauai County ordinance sets the age  
21 for minors to under 13 years of age. The ordinances by county and adopted dates are as follows:

22 Hawai'i County, Section 14-21(12), Ordinance\_No. 10-33, August 2010;

23 Kauai County, Section 22-8.2, Ordinance No. 1005, July 2016; and

24 Honolulu City and County, Section 41-21.2, Ordinance No. 17-53, October 2017.

25 Across the nation, eight states and two U.S. Territories have passed similar laws. These  
26 jurisdictions have proactively addressed secondhand smoke exposure in vehicles.

- 1 The DOH supports this measure to expand smoke-free protections for the youth in Maui  
2 County, and we thank you for the opportunity to testify on this important issue.

---

<sup>1</sup> Susan R. Weisman, *Public Health Law Center, Kids, Cars and Cigarettes: Policy Options for Smoke-Free Vehicles* (2010).  
[http://publichealthlawcenter.org/sites/default/files/resources/phlc-policybrief-kidscarssmoke-2010\\_0.pdf](http://publichealthlawcenter.org/sites/default/files/resources/phlc-policybrief-kidscarssmoke-2010_0.pdf)

<sup>2</sup> Agaku, I. T., Singh, T., Rolle, I., Olalekan, A., & King, B. A., 2016. *Prevalence and Determinants of Secondhand Smoke Exposure among Middle and High School Students*. *Pediatrics*. <http://pediatrics.aappublications.org/content/pediatrics/early/2016/01/08/peds.2015-1985.full.pdf>

<sup>3</sup> Hawaii Youth Tobacco Survey 2015.

<sup>4</sup> Sendzik, T, et al., *An experimental investigation of tobacco smoke pollution in cars*, Toronto, ON: Ontario Tobacco Research Unit, March 2008.

<sup>5</sup> Non-Smokers' Rights Assn, *Smoking and Health Action Foundation, Second-hand Smoke in Homes and Cars*, 3-4 (2007)  
[http://www.nsradnf.ca/cms/file/files/pdf/DOCU\\_07\\_02\\_22\\_SHS\\_HomeCarsFinalUpdate.pdf](http://www.nsradnf.ca/cms/file/files/pdf/DOCU_07_02_22_SHS_HomeCarsFinalUpdate.pdf)

<sup>6</sup> Edwards R, et al., *Highly hazardous air quality associated with smoking in cars: New Zealand pilot study*, *The New Zealand Medical Journal* 119(1244), October 2006, <http://www.nzma.org.nz/journal/119-1244/2294/>

<sup>7</sup> U.S. Department of Health and Human Services. *Let's Make the Next Generation Tobacco-Free: Your Guide to the 50th Anniversary Surgeon General's Report on Smoking and Health*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

<sup>8</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 2014.

<sup>9</sup> Non-Smokers' Rights Assn, *Smoking and Health Action Foundation, Second-hand Smoke in Homes and Cars 3-4*, 2007.  
[http://www.nsradnf.ca/cms/file/files/pdf/DOCU\\_07\\_02\\_22\\_SHS\\_HomeCarsFinalUpdate.pdf](http://www.nsradnf.ca/cms/file/files/pdf/DOCU_07_02_22_SHS_HomeCarsFinalUpdate.pdf)

<sup>10</sup> U.S. Department of Health and Human Services, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*, 2016.

<sup>11</sup> Cheng T. *Chemical Evaluation of Electronic Cigarettes*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3995255/> *Nicotine & Tobacco Research* 2014;23:ii11-7

<sup>12</sup> CDC, "Dual Use of Tobacco Products." <http://www.cdc.gov/tobacco/campaign/tips/diseases/dual-tobacco-use.html#ten>.

RECEIVED

REC'D

January 30, 2018

2018 FEB -1 AM 8: 50

Via Email: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

OFFICE OF THE  
COUNTY CLERK

Maui County Council  
Kalana O Maui Building, 8th floor  
200 S. High St.  
Wailuku, Hawaii 96793

Re: County Communication No. 18-52 for Proposed Bills  
Hearing: February 2, 2018

Dear County Council Members:

I am writing in response to the County Communication No. 18-52 ("CC No. 18-52") for the County Council's ("Council") consideration and passage of two bills relating to Short-Term Rental Homes and a Pa'ia-Ha'iku Community Plan ("Community Plan") amendment, scheduled for Friday, February 2, 2018.

**1. The Paia-Haiku Community Supports an Amendment to the Community Plan to Include STRH**

On July 25, 2017, the Planning Commission ("Commission") initially held a hearing regarding the proposed bills listed in CC No. 18-52 and discussed the conflict between the Community Plan and the Short-Term Rental Homes ("STRH") ordinance. The Commission discussed amending the Community Plan to resolve this conflict, but sought additional community input.

On August 23, 2017 and August 24, 2017, the Planning Department held community meetings in Paia and Haiku, respectively. I attended both meetings. While there were varying opinions, it seemed the community, as a whole, did not want to eliminate STRH entirely but to keep the cap at 88 and to amend the Community Plan accordingly. The community also wanted the County to strengthen enforcement against illegal operators. Attached hereto is Director William Spence's summary of the community input.

On September 26, 2017, the Planning Commission reconvened and recommended to the County Council that the Community Plan be amended to include STRHs in the Paia-Haiku area.

**2. We Support Amending the Community Plan for STRHs as an Allowable Use**

We support the first proposed bill listed in CC No. 18-52:

"A BILL FOR AN ORDINANCE AMENDING THE PA'IA-HA'IKU COMMUNITY PLAN RELATING TO VISITOR ACCOMMODATIONS". This bill's purpose is to update the Paia-Haiku Community Plan (1995), consistent with Ordinance 3941 (2012), by conditionally allowing Short-Term Rental Homes in the Community Plan Area.

**3. The Planning Department's Second Proposed Bill Does Not Reflect the Planning Commission's Recommendation from the September 26, 2017 Hearing**

In review of Director Spence's letter to the Council dated January 11, 2018, it is not entirely consistent with the Commission's recommendation voted on at the September 26, 2017 hearing. Specifically, I question the second proposed bill as listed in CC No. 18-52, as written:

"A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE PAIA-HAIKU COMMUNITY PLAN AREA."...This bill's purpose is to amend Chapter 19.65, Maui County Code, to provide Short-Term Rental Home permits shall not be issued for properties abutting the shoreline in the Paia-Haiku Community Plan Area, consistent with the Community Plan.

The proposed bill also seeks to delete and insert the following language:

...[Any proposed] No new ["bed] bed and [breakfasts"] breakfast homes or short-term rental homes should [not] be [situated near] permitted on properties that abut the shoreline so as to avoid the proliferation of [this use] these uses and subsequent changes in the character of the region's coast.

I have reviewed the minutes from the September 26, 2017 Planning Commission hearing, and I do not find any discussion or determination that the recommended bill would prohibit new STRHs on properties that abut the shoreline in Paia and Haiku. This discrepancy is confirmed by the meeting minutes and the Maui News, which reported on September 27, 2017 that the Commission members stated:

Limit visitor accommodations to permitted short-term rental homes and owner-occupied bed-and breakfast homes that are residential in both scale and character. Any proposed new bed-and-breakfast homes or short-term rental homes should not be situated near the shoreline if it causes the proliferation of these uses and subsequent changes in the character of the region's coast. Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action... Commissioners did not decide whether 'proliferation' would follow dictionary definition or a specific number, though that is something the council could take up. (Emphasis added).

(See, attached Maui News article dated September 27, 2017).

Clearly, the second bill being proposed before the Council is inconsistent with the Commission's recommendation, which was voted on at the September 26<sup>th</sup> hearing. By comparing the current language of said Bill with the Commission's recommendations, they are at odds. The proposed bill discussed at the September 26<sup>th</sup> hearing prohibited new STRH near the shoreline. There was no discussion or language that prohibited new STRH permits for properties abutting the shoreline. Even if a property abutted the shoreline, the County would only prohibit the issuance of the new STRH permits if it caused the proliferation of these uses and changed the character of the region's coast.

Further, this second proposed Bill is also ambiguous. I am one of the owners of an STRH property that abuts the shoreline within the Paia-Haiku area. This proposed bill, as written, singles out our property and has the potential to effectively prevent us from renewing our STRH permit in the future simply because our property abuts the shoreline and not based on a determination that our properties are causing any proliferation of these uses and changing the character of the coast, which was the concern of the Paia-Haiku community when drafting their plan 22 years ago.

Based on the foregoing, we urge the County Council to deny the second Bill as listed in CC No. 18-52.

**4. The Outdated Community Plan Must Also be Amended to Include the TVR Ordinances**

To the extent the County seeks to clarify apparent conflicts between the Community Plan and current zoning policies, we, again, would like to bring to your attention to a similar conflict between the Community Plan and the Maui County Code ("M.C.C.") concerning Transient Vacation Rentals ("TVR"). This conflict is essentially the same issue the Planning Department was addressing with the STRH amendment to the Community Plan.

In a letter dated September 29, 2017, we notified Planning Director William Spence, and copied each Council member, regarding an additional amendment needed to the Community Plan in order to bring the variance ordinances into alignment. We believe the Community Plan's objectives and policies concerning overnight accommodations do not reflect current County policy and, therefore, are outdated and unenforceable. See, attached September 29, 2017 letter.

According to the Community Plan, its objectives and policies are to "Prohibit hotel/resort development within the region" and limit visitor accommodations to owner-occupied "bed and breakfast" establishments that are residential in both scale and character and not situated near the shoreline. The Community Plan's prohibitions, if applicable, conflict with the County's ordinances. See, attached ordinances (pertinent portions).

Maui County Code (M.C.C.), section 19.15.030 allows up to twelve (12) bedrooms for TVR in the B-CT of Pa'ia-Ha'iku (Ord. No. 4153). M.C.C., section 19.16.040 allows up to twenty

(20) bedrooms for TVR in B1 (Ord. No. 4152) and M.C.C, section 19.18 allows up to twenty (20) bedrooms for TVR in B2 (Ord. No. 4088) as of right and potentially more with a special use permit. The B-CT ordinance was properly vetted through the community, approved unanimously by 8 members of the Maui County Council and signed by Mayor Arakawa in 2014. The B-CT's intent and purposes include preserving and maintaining the "country town" atmosphere and establishing a means of implementing various provisions of the Community Plan. The majority of the commercial properties in Pa'ia-Ha'iku area are zoned B-CT. It is my understanding that the Community Plan intended to prohibit large scale hotel/resort development such as those located in South and West Maui and was never intended to prohibit small transient accommodations such as those currently permitted by the TVR ordinances in commercial districts.

In fact, in September 2017, the Department of Planning approved the conversion of 3 offices spaces into 5 one-bedroom TVRs in the B2 zoning district in Paia (See, attached SMA Assessment/Exemption form and Permit Summary for Pala Town Center approving the rooms). This approval further supports the need for inclusion of TVRs in the proposed Community Plan amendment. This approval was executed administratively by the Director with no Community Plan amendment. This TVR allowance in B2 is an outright use approvable without neighbor notification, community input, etc. It seems unjust that neighboring properties in the same town would have such different requirements to achieve the same outcome (BCT requires a Special Use Permit). I believe the best place for small scale transient accommodations is within the business districts of our community and look forward to this code conflict being resolved so that some of the tourism pressures may be removed.

By amending the Community Plan to allow for a limited number of STRH in residential areas and small scale TVR in the business zoning districts of Pa'ia and Ha'iku, this amendment will fulfill the purposes and intent of the Community Plan to preserve the character of the community and prohibit large resort-style developments. I believe that the intent of passing the TVR use in the business district was to allow some relief to the residential areas by providing TVR in areas that are already commercial in nature while providing some economic diversity to the small towns.

In summary, the proposed changes to MCC 19.65.030 must include TVRs as part of allowable uses to update in Community Plan. Since ordinances number 4153, 4152, and 4088 allow TVRs in this area, we urge the Council to make the Community Plan consistent by confirming that TVRs in the BCT, B1 and B2 districts are allowable uses along with STRHs and bed and breakfasts.

**5. Vote to Approve STRH and TVR Amendments in the Community Plan**

We urge the County Council to vote today to approve the following amendment the Community Plan that allows STRH in the Community Plan area:

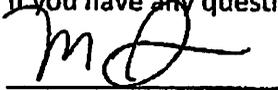
**A Bill for an Ordinance Amending the Pa'ia-Ha'iku Community Plan Relating to Visitor Accommodations". This bill's purpose is to update the Paia-Haiku Community Plan (1995), consistent with Ordinance 3941 (2012), by conditionally allowing Short-Term Rental Homes in the Community Plan Area.**

**We also request that the Council determine that the TVR ordinance, as discussed above, should also be included in an amendment to the Community Plan.**

**In the alternative, if the Council is not able to currently vote on this matter, we request that the County Council refer it back to the Planning Commission to request that they include TVRs in a Community Plan amendment. By making these changes now to the Community Plan, the County will reduce the cost of government to address permit applications for existing and future TVR application requests, legal proceedings/appeals and provide the public with a better understanding of the TVR application process.**

**Thank you for your consideration.**

**If you have any questions, please call me directly at the number below.**



**Michael Baskin  
(808) 870-1800**

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**  
September 26, 2017

**MEMORANDUM**

TO: MAUI PLANNING COMMISSION

FROM: WILLIAM SPENCE *W.S.*  
PLANNING DIRECTOR

SUBJECT: **COMMUNITY INPUT ON SHORT-TERM RENTAL HOMES IN THE  
PA`IA-HA`IKU COMMUNITY PLAN AREA**

**Background:**

At its meeting of July 25, 2017, the Maui Planning Commission deferred the matter of Short-Term Rental Homes in the Pa`ia-Ha`iku Community Plan Area for at least 60 days for the purpose of receiving community input.

As Commission members will recall, the Department of Planning has identified the following apparent conflict in County ordinances:

- Chapter 19.65, Maui County Code, adopted in 2012, includes a cap of 88 Short-Term Rental Home permits in the Pa`ia-Ha`iku Community Plan Area.
- The Pa`ia-Ha`iku Community Plan (1995) includes a policy against non-owner-occupied visitor accommodations.

Department personnel attended meetings of the Pa`ia Town Association on August 23, 2017 and the Ha`iku Community Association on August 24, 2017. Several dozen members of the public attended the Paia meeting, and more than 100 attended in Haiku. Many attendees provided verbal comments. More than 20 residents later submitted written comments, which are attached for your review. This report summarizes community input and provides my updated recommendation.

**Summary of Community Input:**

*Strengthen enforcement against illegal operators*

Most speakers voiced support for stronger enforcement against the operators of unpermitted vacation rentals. Illegal operations diminish the availability and affordability of long-term housing in the region, negatively impact neighborhood character, foster disrespect for the law, unjustly deprive the County and State of tax revenue, and are unfair to legal operators, according to numerous concerned citizens. The strong consensus on this point was notable, especially considering that enforcement was not a specific agenda item and the differences of opinion among attendees on other issues.

*Maintain or strengthen shoreline protection*

There was strong support for ensuring that the Community Plan's prohibition on visitor accommodations "near the shoreline" be maintained or strengthened, though there was some disagreement on how to define or apply this standard. A few residents suggested that "near the shoreline" should mean only those properties actually adjacent to the shoreline; another said the prohibition should extend to the Special Management Area line. The Department notes the SMA line is 1.5 miles from the shoreline in some areas.

*County needs to take responsibility for conflict in laws*

Some members of the public expressed dismay that the apparent conflict between the County Code and the Community Plan had not been previously resolved, although some also commended the County for seeking resolution at this time.

*Do not lower cap on Short-Term Rental Homes in the region to zero*

In Pa'ia, there was strong support for continuing to allow for the issuances of Short-Term Rental Home permits up to the Code-established cap, while opinion on this question was divided in Ha'iku. Some in Ha'iku requested banning new Short-Term Rental Homes in the Community Plan Area. Speakers in both places acknowledged economic benefits to local residents of having vacation rentals in the region, not just for operators but also for other small businesses in the North Shore region and other parts of Maui. There was some discussion that a cap of something between zero and 88 might be a reasonable compromise.

*Amend Community Plan to allow Short-Term Rental Homes*

In both places, most members of the public who expressed an opinion on the issue said the Community Plan should be amended to expressly authorize Short-Term Rental Homes. Some said the Community Plan is outdated or no longer as relevant as when it was adopted 22 years ago. Others, particularly in Ha'iku, advised that the Community Plan is a critical law that must be respected and retained.

*Consider limiting permits to natural persons*

Some concerns were raised about allowing business entities to hold Short-Term Rental Home permits because it can complicate enforcement action and tends to detract from the notion that the industry is for the benefit of local residents.

**Recommendation:**

In consideration of community input, the Department would now like to revise its recommendation on the legislation before you, as follows.

- 1) The Department recommends keeping the cap of 88 Short-Term Rental Homes for the Pa`ia-Ha`iku Community Plan Area, but also amending Chapter 19.65, Maui County Code, to add the following language immediately after "88," consistent with the Pa`ia-Ha`iku Community Plan:
  - a) "except that permits may not be issued for shoreline properties that may affect the character of the nearby shoreline."
- 2) The Department also recommends passing the bill to amend the Pa`ia-Ha`iku Community Plan that we put before you on July 25<sup>th</sup>, with the following revisions:
  - a) Add the following sentence:

"Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action."
  - b) Make minor wording changes to avoid weakening the Community Plan's existing language regarding uses "near the shoreline."

Revised bills incorporating these changes are attached for your consideration.

Thank you for your consideration.

# The Maui News

## Panel moves to allow north shore vacation rentals

County Council will need to amend current Paia-Haiku Community Plan, which prohibits short-term rentals



County Department of Planning Director Will Spence addresses the Maui Planning Commission on Tuesday. The commission voted 5-1 to recommend changing the 1995 Paia-Haiku Community Plan to allow for short-term rentals. The community plan had been at odds with the Maui County Code, which gave the Paia-Haiku area an 88 short-term rental cap in 2012. The issue now moves on to the Maui County Council. • The Maui News / COLLEEN UECHI photo

WAILUKU — With most people speaking out in favor of allowing short-term rental homes, the Maui Planning Commission voted 5-1 Tuesday to

recommend keeping the cap of 88 permitted short-term rentals for the Paia-Haiku area.

It's an issue that's been circulating through the community since July, when it first came before the commission. The panel was saddled with a decision of whether to change the 1995 Paia-Haiku Community Plan, which doesn't allow for short-term rentals, or the Maui County Code, which permits 88. The discrepancy between the two documents went unnoticed until recently.

On Tuesday, the commission decided to recommend council members approve a bill to change the community plan and allow short-term rentals. However, commission members also recommended adding a provision to the County Code to avoid a short-term rental boom on the shoreline.

The issue now moves on to the County Council, which will make the final call.

*"Prohibition doesn't work," commissioner Lawrence Carnicelli said. "As one of the testifiers said, if we change the law to zero (rentals), we're not going to stop vacation rentals on the north shore. . . . I think that we need to have a law in place to make these things legal so we can regulate them."*

The difference between the community plan and the county code for short-term rentals was overlooked in 2012, when the council passed an ordinance allowing transient rentals in the community. As part of the new law, council members placed a short-term rental cap on each region. The Paia-Haiku area received an 88-rental cap and currently has 47 permitted, according to county Planning Director Will Spence.

Spence said that when the short-term rental bill was passed in 2012, no one really discussed how the bill would be at odds with the community plan, which was adopted in 1995 and only allows for bed-and-breakfast homes, which unlike short-term rentals, must have an owner on site. Planning staff members realized the problem after later reviewing minutes of council meetings.

So, the issue was brought before the commission this year. Two community meetings were held in Paia and Haiku in August. Resident responses have been split, from those who say short-term rental owners take good care of their properties and don't bother neighbors, to others who believe the rentals are subtracting from the local housing inventory.

But on Tuesday, the nearly 20 testifiers mostly took issue with illegal rentals and said that permitted operators should be allowed to move forward.

*"The problem isn't the people who've gone through the process and are adhering to the rules,"* said James Huntington, a Paia resident who got approved for a bed-and-breakfast business last summer. *"The problem is that there are more illegal rentals than there are legal rentals."*

Huelo resident Mark Vrieling said he's been working to get his rental approved for seven years now and has invested more than \$10,000 in property improvements.

*"After going to that much effort, to think that we could be shut down now because you draw the line at only those that are existing seems unfair on a personal standpoint,"* Vrieling said. *"But on the bigger standpoint, 88 is still very, very few for all of the north shore."*

Commission members agreed to keep the 88-rental cap, but suggested splitting Paia and Haiku into separate categories. They also hoped the council would discuss ways to improve enforcement on illegal rentals.

One of the two recommended bills moving on to the council changes the community plan to say the following: *"Limit visitor accommodations to permitted short-term rental homes and owner-occupied bed-and-breakfast homes that are residential in both scale and character. Any proposed new bed-and-breakfast homes or short-term rental homes should not be situated near the shoreline if it causes the proliferation of these uses and subsequent changes in the character of the region's coast. Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action."*

The other recommended bill doesn't change the 88-rental cap in the county code but adds a provision saying that *"permits may not be issued for shoreline properties if it causes the proliferation of these uses and subsequent changes in the character of the region's coast."*

Commissioners did not decide whether *"proliferation"* would follow its dictionary definition or a specific number, though that is something the council can take up.

\* Colleen Uechi can be reached at [cuechi@mauinews.com](mailto:cuechi@mauinews.com).

### COMMENTS

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# The Maui News



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## Seashore Properties, LLC

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Phone: 808.579.6364 Fax: 808.579.6362

September 29, 2017

***Via Email: [planning@mauicounty.gov](mailto:planning@mauicounty.gov)***

County of Maui, Department of  
Planning  
Attn: William Spence  
2200 Main Street, Ste. 315  
One Main Plaza Building  
Wailuku, Hawaii 96793

**Re: Amending the Paia-Haiku Community Plan to include TVR  
in the Business Districts**

Dear Mr. Spence,

I am writing on a matter related to the September 26, 2017 hearing wherein the Planning Commission recommended to the County Council that the Pa'ia-Ha'iku Community Plan ("Community Plan") be amended to include STRHs in the Paia-Haiku area. We believe the Community Plan's objectives and policies concerning overnight accommodations do not reflect current County policy and, therefore, are outdated and unenforceable. However, to the extent the County seeks to clarify apparent conflicts between the Community Plan and current zoning policies, we would like to bring your attention to a similar conflict between the Community Plan and the Maui County Code ("M.C.C.") concerning Transient Vacation Rentals ("TVR"). This conflict is essentially the same issue the Planning Department is addressing with the STRH amendment to the Community Plan.

According to the Community Plan, its objectives and policies are to "Prohibit hotel/resort development within the region" and limit visitor accommodations to owner-occupied "bed and breakfast" establishments that are residential in both scale and character and not situated near the shoreline. The Community Plan's prohibitions, if applicable, conflict with the County's ordinances (ORD. #4088, 4152 and 4153) involving approval of TVR in the B-2 Community Business District ("B2"), the B-1 Neighborhood Business District ("B1") and the B-CT Country Town Business District ("B-CT") zoned properties in this area.

M.C.C, section 19.15.030 allows up to twelve (12) bedrooms for TVR in the B-CT of Pa'ia-Ha'iku. M.C.C., section 19.16.040 allows up to twenty (20) bedrooms for TVR in B1 and M.C.C, section 19.18 allows up to twenty (20) bedrooms for TVR in B2 as of right and potentially more with a special use permit. The B-CT ordinance was properly vetted through the community, approved unanimously by 8 members of the Maui County Council and signed by Mayor Arakawa in 2014. The B-CT's intent and purposes include preserving and maintaining the "country town" atmosphere and establishing a means of implementing various provisions of the Community Plan. The majority of the commercial properties in Pa'ia-Ha'iku area are zoned B-CT. It is my understanding that the Community Plan intended to prohibit large scale hotel/resort development such as those located in South and West Maui and was never intended to prohibit small transient accommodations such as those currently permitted by the TVR ordinances in commercial districts, for a maximum of 20 rooms.

As such, the Community Plan should be simultaneously amended to include language rectifying the conflict between the Community Plan and the M.C.C. ordinances allowing TVR in the business districts. TVR are currently allowed in properties zoned B-CT, B1 and B2. The B2 allowance is an outright use approvable administratively without neighbor notification, community input, etc. It seems unjust that neighboring properties in the same town would have such different requirements to achieve the same outcome. I believe the best place for small scale transient accommodations is within the business districts of our community and look forward to this code conflict being resolved so that some of the tourism pressures may be removed.

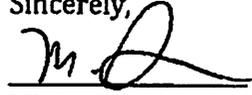
By amending the Community Plan to allow for a limited number of STRH in residential areas and small scale TVR in the business zoning districts of Pa'ia and Ha'iku, this amendment will fulfill the purposes and intent of the Community Plan to preserve the character of the community and prohibit large resort -style developments. I believe that the intent of passing the TVR use in the business district was to allow some relief to the residential areas by providing TVR in areas that are already commercial in nature while providing some economic diversity to the small towns.

By making these changes now to the Community Plan, the County will reduce the cost of government to address permit applications for existing and future TVR application requests and provide the public with a better understanding of the TVR application process.

I request that this issue be brought before the Planning Commission by scheduling it for hearing and to recommend to the County Council that the Community Plan be further amended to include language allowing TVR use in the B-CT, B1 and B2 districts.

Should you have any questions, please contact me at (808) 870-1800 or email: [baskindesign@gmail.com](mailto:baskindesign@gmail.com).

Sincerely,

A handwritten signature in black ink, appearing to be 'M Baskin', written over a horizontal line.

Michael Baskin

CC: [county.council@mauicounty.us](mailto:county.council@mauicounty.us)  
[Mike.White@mauicounty.us](mailto:Mike.White@mauicounty.us), [Robert.Carroll@mauicounty.us](mailto:Robert.Carroll@mauicounty.us),  
[Stacy.Crivello@mauicounty.us](mailto:Stacy.Crivello@mauicounty.us), [Alika.Atav@mauicounty.us](mailto:Alika.Atav@mauicounty.us),  
[Elle.Cochran@mauicounty.us](mailto:Elle.Cochran@mauicounty.us), [Don.Guzman@mauicounty.us](mailto:Don.Guzman@mauicounty.us),  
[Kelly.King@mauicounty.us](mailto:Kelly.King@mauicounty.us), [Riki.Hokama@mauicounty.us](mailto:Riki.Hokama@mauicounty.us),  
[Yukilei.Sugimura@mauicounty.us](mailto:Yukilei.Sugimura@mauicounty.us), [county.auditor@mauicounty.us](mailto:county.auditor@mauicounty.us)

ORDINANCE NO. 4152

BILL NO. 59 (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.16, MAUI COUNTY CODE, RELATING TO B-1 NEIGHBORHOOD BUSINESS DISTRICT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 19.16, Maui County Code, is amended to read as follows:

"Chapter 19.16

B-1 NEIGHBORHOOD BUSINESS DISTRICT

Sections:

- 19.16.010 [Generally.] Purpose and intent.
- 19.16.020 Permitted uses.
- 19.16.030 [Required conditions.] Accessory uses.
- 19.16.040 [Area regulations.] Special uses.
- 19.16.050 [Height regulations.] Development standards.
- 19.16.060 [Yards.] Rule making authority.

19.16.010 [Generally.] Purpose and intent. A B-1 neighborhood business district is one wherein retail businesses or service establishments supply commodities or perform services to meet the daily needs of the neighborhood.

19.16.020 Permitted uses. Within the B-1 neighborhood business district, the following uses shall be permitted:

- A. Barber or beauty shops;
- B. Baker goods stores;
- C. Book, stationery, or gift stores;
- D. Candy stores;
- E. Churches;
- F. Day care centers and nurseries;

<u>Other uses that are determined by the director of planning to be clearly incidental and customary to a permitted use</u>	
---	--

B. The following uses, located on a nearby lot are also deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the B-1 neighborhood business district:

<u>Accessory uses</u>	<u>Criteria or limitations</u>
<u>Energy systems, small-scale</u>	<u>Provided the system is within a distance of four hundred feet of the nearest point of the lot it serves and there will be no detrimental or nuisance effect upon neighbors</u>

19.16.040 [Area regulations. The minimum lot area shall be six thousand square feet and the minimum lot frontage shall be sixty feet.] Special uses. The following are special uses in the B-1 neighborhood business district, and approval of the appropriate planning commission shall be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

<u>Special uses</u>	<u>Criteria or limitations</u>
<u>Transient vacation rentals</u>	<u>One to twenty bedrooms; except on Molokai, where the maximum number of bedrooms and use shall be determined by the planning commission</u>

ORDINANCE NO. 4153

BILL NO. 60 (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.15,  
MAUI COUNTY CODE, RELATING TO COUNTRY TOWN BUSINESS  
DISTRICTS AND AMENDING CHAPTER 19.510, MAUI COUNTY CODE,  
RELATING TO APPLICATION AND PROCEDURES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 19.15, Maui County Code, is amended to  
read as follows:

"Chapter 19.15

COUNTRY TOWN BUSINESS DISTRICTS

Sections:

19.15.010	Purpose and intent.
19.15.020	Permitted uses.
<u>19.15.025</u>	<u>Accessory uses.</u>
19.15.030	Special uses.
19.15.040	Development standards.
19.15.050	[Limited conditional uses.] <u>Rule</u> <u>making authority.</u>
[19.15.060	Design guidelines and standards.]

19.15.010 Purpose and intent. A. The B-CT country town business district is intended to establish development standards for businesses in [the rural] smaller and/or more remote communities.

B. It is intended that the unique [urban] design character of [the more remote] these business districts be preserved and maintained to promote the "country town" atmosphere of [the various rural business] these communities in Maui County.

C. This B-CT country town business district zoning ordinance establishes the means of implementing

<u>Special uses</u>	<u>Criteria or limitations</u>
<u>Public utility substations</u>	<u>Provided there will be no detrimental or nuisance effect upon neighbors</u>
<u>Storage facilities not associated with a permitted use within the district</u>	
<u>Telecommunication offices and facilities</u>	<u>Provided, that all exterior telecommunication equipment shall be set back at least twenty-five feet from any property line and that such telecommunication equipment shall be screened from public view by appropriate means, including, but not limited to, landscape planting</u>
<u>Transient vacation rentals</u>	<u>One to twelve bedrooms</u>
<u>Upholstery, canvas, sign painting, and surfboard making shops</u>	<u>Conducted wholly within a completely enclosed building</u>
<u>Vehicle bodywork, frame or body parts straightening, steam cleaning, painting, welding, storage of non-operating vehicles, and tire recapping or re-grooving</u>	<u>Conducted wholly within a completely enclosed building</u>
<u>Other uses that are similar in character to permitted and special uses and consistent with the unique character, identity, and needs of the country town, and that are not detrimental to the welfare of the surrounding area</u>	

19.15.040 Development standards. The [Development] development standards for the B-CT country town business district shall be[:] as follows, unless otherwise specified in adopted design guidelines pursuant to section 19.510.100:

ORDINANCE NO. 4088

BILL NO. 92 (2013)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040,  
MAUI COUNTY CODE, AND CHAPTER 19.18, MAUI COUNTY CODE,  
RELATING TO B-2 COMMUNITY BUSINESS DISTRICT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.04.040, Maui County Code, is amended  
by adding new definitions to be appropriately inserted and to  
read as follows:

"Entertainment establishment" means any indoor and/or outdoor establishment where entertainment, either passive or active, is provided for patrons, either independently or in conjunction with another use.

"Farmer's market" means the temporary use of a specified land area managed by a single operator who leases space/stalls for the outdoor sales of fresh fruit and produce, meat and fish items, plants and flowers grown, raised or caught within the State of Hawaii, including value added products derived from said products.

"Recycling collection center" means a structure or site designated for collection, weighing, temporary storage, and small-scale (low technology) segregation of recyclable materials.

"Redemption center" means a facility that accepts and redeems deposit beverage containers.

"Swap meet or open air market" means the temporary use of a specified land area managed by a single operator who leases space/stalls for the

<u>determined by the director of planning to be clearly incidental and customary to a permitted use</u>	
---	--

19.18.040 [Height regulations. The maximum height of any building shall be limited by the total floor area which shall not exceed in square feet two hundred percent of the total lot area; and provided further, that no building be more than six stories in height.] Special uses. The following are special uses in the B-2 community business district, and approval of the appropriate planning commission shall be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

<u>Special uses</u>	<u>Criteria or limitations</u>
<u>Mortuaries</u>	
<u>Transient vacation rentals</u>	<u>Twenty-one to fifty bedrooms; except on Molokai, where the maximum number of bedrooms and use shall be determined by the planning commission</u>
<u>Other uses that are similar in character to permitted and special uses and that are not detrimental to the welfare of the surrounding area</u>	

19.18.050 [Yards. No yard spacing shall be required, except such areas that shall be required for off-street parking; with the exception that where the side or rear of a lot in a B-2 community business district abuts a lot in any residential, apartment house or hotel district, the abutting side or rear yard shall have the same yard spacing as that required in the abutting residential, apartment house or hotel district, respectively; and provided further, that any apartment shall provide yard space in accordance with the requirements of the apartment district.]

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

**SPECIAL MANAGEMENT AREA ASSESSMENT/EXEMPTION FORM (SM5)**

<b>Project Name:</b>	<b>PAIA TOWN CENTER – TVR UNITS</b>
<b>Proposed Development:</b>	<b>Nonstructural interior alterations to convert three (3) existing unoccupied office spaces into five (5) one-bedroom transient vacation rental (TVR) units within an existing commercial structure in the County B-2 Business Community District</b>
<b>SMA App. No.:</b>	<b>SMX 2017/0204</b>
<b>Project Address:</b>	<b>120 Hana Highway, Paia, Hawaii 96779</b>
<b>Tax Map Key:</b>	<b>(2) 2-6-005:033</b>
<b>Applicant:</b>	<b>Nicholas Argyropoulos, 1244 6<sup>th</sup> Street, Santa Monica, California 90401</b>
<b>Owner:</b>	<b>Same as Applicant</b>
<b>Consultant:</b>	<b>Jordan E. Hart, 115 North Market Street, Wailuku, Hawaii 96793</b>
<b>Valuation:</b>	<b>\$350,000.00</b>
<b>Approved Plans Dated:</b>	<b>June 2017</b>

The proposed activity is determined to be:

15. Nonstructural improvements to existing commercial structures.

Per Section 22, Chapter 205A of the Hawaii Revised Statutes, as amended, the rules of the Planning Commission of Maui County, and the Department of Planning's Special Management Area (SMA) Assessment; the proposed activity has been determined not to be a development and is EXEMPT from the applicable requirements of Chapter 205A.

Comments/Remarks: Per plans titled, "Architecture Drawings Paia Town Center Floor Plan," prepared by Chris Hart & Partners, Inc., dated June 2017.

Reviewed by: EAA

Date: August 1, 2017

Permit No.: SM5 2017/0160

Approved by:   
for CLAYTON M. YOSHIDA, AICP, Planning Program Administrator  
WILLIAM SPENCE, Planning Director

Date: 9/2/17

xc: John S. Rapacz, Planning Program Administrator (PDF)  
Evelyn A. Aako, Staff Planner (PDF)  
Jordan E. Hart, Consultant (Original)  
CZM File (SMX)  
SMX File (.txt)  
Project File (with plans)  
General File

WRS:CIY:EAA:PAD

K:\WP\_DOCS\PLANNING\SM5\2017\0160\_PaiaTownCenter\_IntAlteration\SM5\_Approval.doc



[Help](#) [Home](#) [Look Up](#) [Print](#) [Genealogy](#) [Summary](#) [RFS](#)

### Permit Summary

<b>Permit:</b>	SMX 20170204	<b>Flags:</b>	NO
<b>Description:</b>	SMA ASSESSMENT		
<b>Project:</b>	PAIA TOWN CENTER PAIA TOWN CENTER-TVR UNITS		
<b>Status:</b>	OPEN	<b>Entered:</b>	05-Jun-2017
<b>Issued:</b>	05-Jun-2017	<b>Completed:</b>	
<b>Decision:</b>			
<b>Expiration:</b>		<b>Last Renewal:</b>	
<b>Location Desc.:</b>			

Parcel Information		
<b>Address</b>	<b>TMK</b>	
120 HANA HY	2260050330000	<b>GIS Parcel</b>

Scope of Work
PROJ DESC: Paia Town Center TVR Units - Interior Alterations to Convert 3 offices spaces to 5 1 bedroom transient vacation rentals in the County B-2 Business Community District GEN LOCATION: 120 Hana Highway, Paia LAND AREA: 1.23 acres

Professionals / Contractors
There are no professionals for this application.

Structure Classification		[QUANTITIES]
<b>Initial Value:</b>	\$0.00	<b>Calculated Value:</b> \$0.00
<b>Standard Plan:</b>		<b>Public Project:</b>
<b># of Structures:</b>		<b># of Res. Units:</b>
<b>Total Floor Area:</b>		
<b>Model:</b>		

Occupancy Group	Construction Type	Structure Class
None attached.	None attached.	None attached.

**Inspections**

Inspection	Result	Completed Date	Completed By	Schedule	CORR		
					O	C	N
There are no inspections for this permit.							

**Activities**

Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date
		Beg	End					
<u>SMX - INITIAL CHECK (APPL COMPLETENESS)</u>		1	2	4	09-Jun-2017	09-Jun-2017		
<u>SMX - ROUTE TO ZAED/CURRENT PLANNING</u>		2	3	1	13-Jun-2017	13-Jun-2017		
<u>CURR DIV AGENCY TRANSMITTAL</u>		3	4	45	28-Jul-2017	28-Jul-2017		
<u>ZAED AGENCY TRANSMITTAL</u>		3	4	45	28-Jul-2017	28-Jul-2017		
<u>DLNR-SHPD, MAUI</u>		4	5	7	08-Aug-2017	08-Aug-2017		
<u>SMX - SMA ASSESSMENT</u>	EAAKO	5	6	15	23-Aug-2017	23-Aug-2017	A	01-Aug-2017

**Permit Flags**

Flag	Description	Status
There are no flags on this application		

Paia Haiku Community Plan Amendment No. 18-52 -  
Recommendation

RECEIVED  
2018 FEB -1 AM 9:32

RECEIVED

OFFICE OF THE  
COUNTY CLERK

Michael <baskindesign@gmail.com>

Thu 2/1/2018 9:26 AM

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

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

📎 1 attachments (232 KB)

SMA Assessment-Exemption Form.pdf;

**Aloha Council:**

I own a permitted STRH on the shoreline in Paia. I am a 40 year resident of Paia and was the past vice-chair of the Paia Main Street Association of which I served for 8 years. We also own commercial properties in Paia. I wish to offer the following observations and suggestions regarding communications number 18-52:

1. After the Planning Commission July 25, 2107 hearing, we attended the 2 community meetings both in Paia and Haiku for input from the community to be considered in the Community Plan Amendment.
2. We are in favor of the Community Plan Amendment for STRH allowable use in the Community Plan.
3. The Community Plan is outdated and should have been updated long ago and was meant to be a guideline only.
4. What was decided at the hearing is different than the final version from the Planning Department and therefore we recommend removing the language regarding abutting the shoreline and simply update to allow for its use.
5. Not in favor of STRH—language prohibiting no new STRH for property abutting shoreline as the shoreline is where STRH homes are popular to both visiting locals and global visitors.
6. Also, if there is a change in the Community Plan, it should include TVR use as Council passed 8-0 Ordinance No. 4153, 4152, 4088 allowing TVR in the business districts. There has already been an application to have TVR in Paia and the Planning Commission debated its use per the community plan, but the Planning Director has approved TVR in Paia already. This needs to be clarified so as to avoid legal disputes in the future.

7. If the Council is not able to outright vote to include the TVR ordinance in the Community Plan, we request that the language be sent back to the Planning Commission to recommend amending the Community Plan to include TVR.
8. We therefore recommend the following language be considered to update the community plan:

**“13. Limit visitor accommodations to permitted transient vacation rentals and short-term rental homes and owner-occupied bed and breakfast homes that are residential in both scale and character. Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action.”**

**Mahalo,**

**Michael Baskin**  
Baskin Design, LLC  
Architectural Designs

808.870.1800 - Direct

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

**SPECIAL MANAGEMENT AREA ASSESSMENT/EXEMPTION FORM (SM5)**

<b>Project Name:</b>	<b>PAIA TOWN CENTER – TVR UNITS</b>
<b>Proposed Development:</b>	<b>Nonstructural interior alterations to convert three (3) existing unoccupied office spaces into five (5) one-bedroom transient vacation rental (TVR) units within an existing commercial structure in the County B-2 Business Community District</b>
<b>SMA App. No.:</b>	<b>SMX 2017/0204</b>
<b>Project Address:</b>	<b>120 Hana Highway, Paia, Hawaii 96779</b>
<b>Tax Map Key:</b>	<b>(2) 2-6-005:033</b>
<b>Applicant:</b>	<b>Nicholas Argyropoulos, 1244 6<sup>th</sup> Street, Santa Monica, California 90401</b>
<b>Owner:</b>	<b>Same as Applicant</b>
<b>Consultant:</b>	<b>Jordan E. Hart, 115 North Market Street, Wailuku, Hawaii 96793</b>
<b>Valuation:</b>	<b>\$350,000.00</b>
<b>Approved Plans Dated:</b>	<b>June 2017</b>

The proposed activity is determined to be:

15. Nonstructural improvements to existing commercial structures.

Per Section 22, Chapter 205A of the Hawaii Revised Statutes, as amended, the rules of the Planning Commission of Maui County, and the Department of Planning's Special Management Area (SMA) Assessment; the proposed activity has been determined not to be a development and is EXEMPT from the applicable requirements of Chapter 205A.

Comments/Remarks: Per plans titled, "Architecture Drawings Paia Town Center Floor Plan," prepared by Chris Hart & Partners, Inc., dated June 2017.

Reviewed by: EAA

Date: August 1, 2017

Permit No.: SM5 2017/0160

Approved by: \_\_\_\_\_

Clayton J. Yoshida  
CLAYTON J. YOSHIDA, AICP, Planning Program Administrator  
for WILLIAM SPENCE, Planning Director

Date: 9/7/17

xc: John S. Rapacz, Planning Program Administrator (PDF)  
Evelyn A. Aako, Staff Planner (PDF)  
Jordan E. Hart, Consultant (Original)  
CZM File (SMX)  
SMX File (.txt)  
Project File (with plans)  
General File

WRS:CIY:EAA:PAD

K:\WP\_DOCS\PLANNING\SM5\2017\0160\_PaiaTownCenter\_IntAlteration\SM5\_Approval.doc

CR 18-9

RECEIVED

Keolapono Keahi <keolapono.keahi@imua.ksbe.edu>

2018 JAN 29 PM 12: 45

Mon 1/29/2018 9:07 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: Keolapono Keahi, Kamehameha Schools  
Date: January 29 2018  
Re: SUPPORT for 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 – 8<sup>th</sup> floor

I would like to start with a thank you. Thank you, Council members for allowing CR 18-9 to come this far. I am a freshman at Kamehameha Schools and my peers and I will benefit from this bill. I support CR 18-9 because although I have no problem with people smoking around me, I know what it can do to youth who are exposed to secondhand smoke early in life. This topic is an important issue to many people because it has affected them in ways that could make them ill. I am not knowledgeable about cigarette smoking but I do have some knowledge about vaping and what it can do to your body. Vaping is a very dangerous thing that a lot of people do. Vaping can stiffen your blood vessels which will put you at risk of having heart attacks. According to Science news for students, vaping may lead to stiffening of blood vessels. "The artery's slow response could weaken the heart over time". This is important because arteries are the blood vessels that carry blood to the heart. Another thing about vaping that can affect you is that they explode. I know this is unlikely to happen, but vapes do explode. Imagine that there is someone vaping in the car and there is a baby or someone young present. If that vape explodes not only the vaper will be hurt, but also those around that person. I hope that you will understand the effects that smoking can do youth. Thank you.

Nierenberg, Cari. "E-Cigarettes: What Vaping Does to Your Body." *LiveScience*, Purch, 16 May 2016, [www.livescience.com/54754-what-e-cigarettes-do-in-your-body.html](http://www.livescience.com/54754-what-e-cigarettes-do-in-your-body.html).

Prabhune, Meenakshi. "Vaping May Stiffen the Heart and Blood Vessels." *Science News for Students*, 14 Nov. 2017, [www.sciencenewsforstudents.org/article/vaping-may-stiffen-heart-and-blood-vessels](http://www.sciencenewsforstudents.org/article/vaping-may-stiffen-heart-and-blood-vessels).

Park, Alice. "Vaping: Are E Cigs Bad For Your Heart?" *Time*, Time, [time.com/4950561/e-cigarette-heart-health-effects/](http://time.com/4950561/e-cigarette-heart-health-effects/).

Groome, Imogen. "Vaping 101: When Do Vapes Explode and What Is the Risk?" *Metro*, 29 Aug. 2017, [metro.co.uk/2017/08/21/vaping-101-when-do-vapes-explode-and-what-is-the-risk-6867893/](http://metro.co.uk/2017/08/21/vaping-101-when-do-vapes-explode-and-what-is-the-risk-6867893/).

Mahalo,

Keolapono Keahi

Wailuku

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To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
Fr: Kristian Silva, Kamehameha Schools  
Date: 2/2/17  
Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present  
Aloha Maui County Members,

I am in strong support for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present. What vaping can do to a person is cause many problems such as popcorn lung, heart disease, lung cancer and etc. Popcorn lung is caused by a chemical in the e-cig which is a buttery flavored called diacetyl, where popcorn lung got its name from is people that worked in popcorn microwave factories got sick from breathing in diacetyl which seriously caused lung problems. Diacetyl was used for flavoring caramel, popcorn, and dairy products. The way diacetyl is breathed in with the e-cigs is exactly the same way the workers inhaled the chemical at the factory. This chemical can cause shortness of breath, wheezing, headache, fever, aches, and other health problems. In diacetyl it can cause scars in your Alveoli that are in your lungs, which causes your airflow to be harder to breath because it makes your airway thick and narrow which affects your respiratory system and makes it harder for your body and other parts of your body to get oxygen and exhale it.

Meeting: January 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 2005 High Street – 8<sup>th</sup> floor

Mahalo,

Kristian Silva  
Wailuku resident

RECEIVED  
2018 JAN 29 PM 12:45  
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: Kamehameha Schools Maui, High School  
Date: January 29, 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 – 8<sup>th</sup> floor

First and foremost I want to thank you for listening and taking the time to read all of our testimonies. I also want to thank you for passing the first reading of this bill. I want to again remind you of all the things that you are supporting such as an exponential decrease in second-hand smoke and the exposure of youths to vaping. After doing a research project on this topic it came to my attention that many of the diseases that you are helping to prevent is heart disease, lung cancer, popcorn lung and many bad chemicals are refrained from entering our bodies when second-hand vaping is taken out of our daily lives. In a presentation shown to us by Katie Folio, there was a part where it was said that vaping does not lead to stopping smoking but in some cases leads to it, if a youth had not picked up a vape in their life they would more likely not pick up a cigarette. Something else that concerns me is the amount of nicotine in the vape juice, even ones that say no nicotine. There is so much false advertisement and it sickens me that advertisers are now preying on young children disguising the juice with flavors and making them looks like candy. This whole industry is very deceiving and should not be allowed to continue on. Thank you so much for your time and consideration.

Mahalo nui loa,

Kālena  
Kahului, Maui

RECEIVED  
2018 JAN 29 PM 12:46  
OFFICE OF THE  
COUNTY CLERK

# PEA-41 Testimony

RECEIVED

2018 JAN 29 PM 2: 03

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

Mon 1/29/2018 1:10 PM

OFFICE OF THE  
COUNTY CLERK

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

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Teancum Aiwohi, Kamehameha Schools

Date: 1/29/18

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 – 8<sup>th</sup> floor

Aloha, I think that you as the county council should pass PEA-41. This bill could save many lives, especially children since they are the victims in the car while people are vaping. I thank you for going to pass this bill because there are so many side effects to vaping and even second hand vaping. For example from inhaling the smoke of e-cigarettes children can get asthma, lung cancer, and it could even get to the point where they could die. Smoke in your lungs is not good for the body, you could get bronchitis and many other terrible side effects. In an article by Thomson Reuters called Toxic air puts 17 million babies' brains and lungs at risk: UNICEF which was created on December 5, 2017. It states "Air pollution is closely associated with asthma, pneumonia, bronchitis and other respiratory infections" In this article Thomson Reuters states that 17 million babies suffer from brain problems and have lung problems from the inhalation of the smoke. This is terrible and we should pass this law. I know you will do what is right, and once again I thank you for doing so.

Mahalo,

Teancum Aiwohi  
Wailuku, Waiehu

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CR18-9

RECEIVED

2018 JAN 31 AM 11: 40

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

Wed 1/31/2018 11:38 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 Aiwohi, Kamehameha Schools

Date: 1/31/18

Re: STRONG SUPPORT for CR18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha,

I think that you as the county council should pass CR18-9. This bill could save many lives, especially children since they are the victims in the car while people are vaping. I thank you for going to pass this bill because there are so many side effects to vaping and even second hand vaping. For example from inhaling the smoke of e-cigarettes children can get asthma, lung cancer, and it could even get to the point where they could die. Smoke in your lungs is not good for the body, you could get bronchitis and many other terrible side effects.

In an article by Thomson Reuters called Toxic Air Puts 17 Million Babies' Brains and Lungs at Risk: UNICEF which was created on December 5, 2017. It states "Air pollution is closely associated with asthma, pneumonia, bronchitis and other respiratory infections" Bronchitis affects the lining of your bronchial tubes, which are the airways that connect the windpipe and the lungs.

When you get bronchitis your bronchial tubes swell and become inflamed. This causes the bronchial tubes to make excess mucus, which blocks the airway and causes the wet cough. Asthma affects the body because it allows limited air to go into your lungs. When the germs of pneumonia reach your lungs, the alveoli or air sacks get inflamed. From inflamed alveoli you could have trouble breathing, get a fever, get a cold, have a cough, if these germs continue to spread through your body it could also cause death.

In this article Thomson Reuters states that 17 million babies suffer from brain problems and have lung problems from the inhalation of the smoke. This is terrible and we should pass this bill. If we can cut down the amount of smoke children inhale we could save many lives and we could protect them from many problems that could affect them in the future. I know you will do what is right, and once again I thank you for doing so.

Mahalo,

Teancum Aiwohi  
Wailuku, Waiehu

APR 11 PM 10:11:00 AM

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Untitled

Lauren Almeida <Lauren.Almeida@imua.ksbe.edu>

Mon 1/29/2018 7:49 PM

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

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

RECEIVED  
2018 JAN 30 AM 7:57  
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, Kamehameha Schools, Maui

Date: 1/29/18

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 – 8<sup>th</sup> floor

I feel that the PEA-41 bill is a bill that should be continued to be supported because through my research I have found out that exposing people even kids or teens to e-cig vapors increased a build up in their arteries and their blood vessels of plaque. Also I learned that the chemicals that are inside of the e-cigarette can cause some damage to the lung tissue which can cause inflammation to the lungs and when the lung tissue is damaged it decreases the lungs ability to keep out all the germs and other harmful substances. E-cigs are a cardiovascular stimulant and also is something that can potentially worsen heart disease in people that already suffer with very bad heart problems. Studies have shown that teens who had gotten into vaping had more respiratory problems and took way more days off from school because of the effect of vaping. Which leads me to my last point, if people vaping can affect their bodies by vaping why should a vaper put those harms and those risks on a little kid that could be sitting in a vehicle inhaling the same smoke that you are it's not right for anybody to be a victim of second-hand smoking.

According to an article called "Vaping May Harm The Lungs" on May 29,2015 by Janet Raloff and Beth Mole  
<https://www.sciencenewsforstudents.org/article/vaping-may-harm-lungs>

According to an article called "E-Cigarettes: What Vaping Does to Your Body" on May 16,2016 by Cari Nierenberg  
<https://www.livescience.com/54754-what-e-cigarettes-do-in-your-body.html>

Mahalo,

Lauren Almeida

Kula

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<no subject>

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

Mon 1/29/2018 9:18 PM

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

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

RECEIVED  
2018 JAN 30 AM 7:57  
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: La'akeaokalani Awai, Kamehameha Schools Maui

Date: Jan. 29 2018

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

Meeting: Feb. 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

While researching the effects of vaping, I've learned that vaping is very harmful to your health, it's very dangerous for your respiratory system. From an article called, "The Verge," they say after taking a hit from an e-cig, most healthy non-smokers were found to have a biological marker known to increase the chances the risk of heart disease, like cardiovascular diseases. A Cardiovascular disease generally refers to conditions that involve narrowed or blocked blood vessels that can lead up to a heart attack. Studies say that the use of nicotine e-cigs, and also smoking, raises your risk of having a heart attack. Some other symptoms may affect you before having a heart attack. Men are more likely to have chest pain and women are more likely to have other symptoms such as shortness of breath, nausea and extreme fatigue. Overall, this isn't healthy for anyone to be smoking or vaping. Thank you all for understanding how important it is for adults to stop smoking in the car while children are in it.

Mahalo,

La'akeaokalani Awai  
Kahului

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CR 18-9

Kisen-Leo Mercado <KisenLeo.Mercado@imua.ksbe.edu>

Mon 1/29/2018 9:16 PM

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

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

Fr: Kisen-Leo Mercado, Wailuku Resident

Date: January 29, 2018

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

RECEIVED  
2018 JAN 30 AM 7:57  
OFFICE OF THE  
COUNTY CLERK

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I thank you all, Maui County Council, for passing the bill CR 18-9 through its first reading and I would like to let you know that I am still in strong support of this bill mainly because many kids get affected by second-hand smoke exposure and I would hate for more kids to be affected by second-hand smoke exposure. First of all, second-hand smoke is the smoke that comes from burning tobacco products like cigarettes or e-cigarettes and is also the smoke exhaled from a smokers mouth, and I would not want other kids to get exposed to that especially within an enclosed space like a car. This is very dangerous because this smoke contains more than 7,000 chemicals, with more than hundreds being toxic and about 70 that can cause cancer as I learned from The Centers For Disease Control and Prevention website about second-hand smoke exposure. When people breathe in the second-hand smoke they are messing up their respiratory system. Some of the effects of second-hand smoke are irritation of the trachea (windpipe) and larynx (voice box), reduced lung function and breathlessness due to swelling of the lung airways and excess mucus in the lung passages, impairment of the lungs' clearance system, lung irritation and damage, increased risk of lung infection and symptoms such as coughing and wheezing, and permanent damage to the air sacs of the lungs as I learned from the Better Health Channel Website on how second-hand smoke affects the respiratory system. I just would hate for other children to suffer from these symptoms because their are many smokers in my family especially when I am in the car with them and I feel these symptoms happening every now and then. I would not want other children to get cancer as well and suffer from these symptoms.

Mahalo,

Kisen-Leo Mercado,  
Wailuku

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# Testimony

RECEIVED

2018 JAN 30 AM 10:51

OFFICE OF THE  
COUNTY CLERK

Melia Kama <melia.kama@imua.ksbe.edu>

Tue 1/30/2018 10:49 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: Melia Kama, Kamehameha Schools Maui

Date: 1/19/18

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

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Through my research, I learned that vaping is less harmful to the body than smoking is, but that doesn't mean that vaping is completely safe. According to a study done by the American Urological Association, ingredients in the base of vape juice or liquid such as nicotine can cause higher bladder cancer risk. Bladder cancer is when cells in the urinary bladder begin to multiply uncontrollably. As more cancer cells develop, they can turn into a tumor and possibly expand to other areas of the body. The bladder is an important organ because its main function is to store urine before it leaves the body. It has several layers that are made up of different cells but most bladder cancers start from the inner layer of the bladder. As the cells multiply and the cancer spreads to other layers in the bladder wall, the cancer gets more complicated and will become harder to treat. This is just one of the many diseases that can be prevented by passing the law to ban smoking in the car with minors present.

Mahalo,

Melia Kama  
Wailuku, HI

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Untitled

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RECEIVED

2018 JAN 30 PM 3:00

Duke Kapua <Duke.Kapua@imua.ksbe.edu>

Tue 1/30/2018 2:29 PM

OFFICE OF THE  
COUNTY CLERK

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

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Duke Kapua, Student/Resident

Date: January 30, 2018

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

When vaping, vapors in the lungs cause the vaper of higher chances of getting lung diseases like bronchitis and asthma. -“E-Cigarette Vapor’s Potentially Harmful Particles.” *WebMD*, WebMD, 7 May 2014, [www.webmd.com/smoking-cessation/news/20140507/e-cigarette-vapor-contains-potentially-harmful-particles-review](http://www.webmd.com/smoking-cessation/news/20140507/e-cigarette-vapor-contains-potentially-harmful-particles-review).

The Chemicals in the flavoring of E-cigarettes, contain many chemicals that cause Cancer. -“Vaping and Lung Cancer: What You Should Know.” *WebMD*, WebMD, [www.webmd.com/lung-cancer/vaping-lung-cancer](http://www.webmd.com/lung-cancer/vaping-lung-cancer).

Compared to smokes, E-cigs increase heart rate and arterial stiffness. -Reinberg, Steven. “Do E-Cigarettes Damage Blood Vessels?” *Consumer HealthDay*, 11 Sept. 2017, [consumer.healthday.com/cancer-information-5/electronic-cigarettes-970/do-e-cigarettes-damage-blood-vessels-726433.html](http://consumer.healthday.com/cancer-information-5/electronic-cigarettes-970/do-e-cigarettes-damage-blood-vessels-726433.html).

I myself have been through the worst of asthma and wish that pain on no one else.

Mahalo Nui,

Duke Kapua,  
Kula

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CR 18-9

RECEIVED

2018 JAN 31 AM 8:24

Katarina Panoke Gec <Katarina.PanokeGec@imua.ksbe.edu>

OFFICE OF THE  
COUNTY CLERK

Wed 1/31/2018 8:07 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: Katarina Hokulani Panoke Gec

Date: Jan 29, 2018

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I never vaped before, and I also do not have any family members that had vaped before, but I know quite a few facts about it. I especially have learned a lot of things about vaping in the past few weeks. Chemicals in e-cigarettes can damage lung tissue, causing inflammation. That damage can reduce the ability of the lungs to keep out germs. Scientists have also found a number of harmful chemicals in e-cigarette vapors. Some can cause cancer. Vaping while pregnant could cause babies to be born with birth defects to their faces and heads. To prevent all these consequences the CR 18-9 should become a law, so kids do not need to inhale all this second hand smoke in the car, and get very sick.

Mahalo,

Katarina Hokulani Panoke Gec  
Kula

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CR-18-9

RECEIVED

2018 JAN 31 AM 8:24

Richard Haney <richard.haney@imua.ksbe.edu>

Wed 1/31/2018 8:11 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: Richard Haney, Kamehameha Schools

Date: January 29, 2018

Re: STRONG SUPPORT for CR-18-9, Prohibiting Smoking in Vehicles when People Under the Age of Eighteen are Present.

Meeting: February 2, 2018, at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I strongly support the passing of CR-18-9 because smoking doesn't just affect the people doing it but it also affects everyone around them. According to the Center for Disease Control and Prevention on the Health and Effects of Secondhand Smoke, they state, "Secondhand 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."

First of all, secondhand smoke is known to cause damage to blood vessels. According to an article by ScienceDaily.com published on May 5, 2008 on Secondhand Smoke Exposure Can Cause Cell Damage In 30 Minutes states, "A 30-minute exposure to the level of secondhand smoke that one might normally inhale in an average bar setting was enough to result in blood vessel injury in young and otherwise healthy lifelong nonsmokers. Compounding the injury to the blood vessels themselves, the exposure to smoke impedes the function of the body's natural repair mechanisms that are activated in the face of the blood vessels' injury." Blood vessel damage is a very serious issue because it can cause damage to important organs such as the heart. One of the ways the heart can get damaged by blood vessels is when arteries get clogged up by plaque causing less blood to get to the heart and this is a very common disease called coronary heart disease.

Second of all, secondhand smoke can cause Bronchitis which is caused by the population of smokers all over the world. According to the Mayo Clinic website on Bronchitis, they state, "Bronchitis is where the lining of your bronchial tubes get inflamed which can affect the amount of air you get to your lungs and can lead to coughing up thick mucus." According to the Center for Disease Control and Prevention, on The Health and Effects of Secondhand Smoke, they state, "Studies show that older children whose parents smoke get sick more often. Their lungs grow less than children who do not breathe secondhand smoke, and they get more bronchitis and pneumonia."

All in all, adults should not be able to smoke in cars when minors are present because the effects of secondhand smoke can cause major damage to children and teens.

**Mahalo,**

**Richard Haney  
Makawao**

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To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
Fr: Sierra Kalua, Kamehameha Schools Maui  
Date: January 30, 2018  
Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I have witnessed peers who vape. Most of them have trouble with school and have low GPA scores. Over the span of about two weeks, I have learned the major health effects and damages brought to the human body by vaping. Things like neurotoxins, released when vaping, are a type of poison that acts on the nervous system connected to our brain. They mostly affect children and young adults. Because the state doesn't regulate vape products, companies like Volcano can label their e-juices with a statement like "no nicotine." In an article *Vaping may threaten brain, immunity and more* by Science News for Students says that, "vapors laced with nicotine altered the activity levels of 148 genes in the brain's frontal cortex." By lying to the public in order to make more money, they are able to trick the minds of the innocent into ruining their own organs, such as the brain. Companies promote vape products like "fruit hoops" and "smurf cake." Why do you think they name these products after child related attractions? In an article by Harvard Health Publishing titled *E-cigarettes: Good news bad news* says "The nicotine in e-liquid may also be a household hazard. Many e-liquids have candy and fruit flavoring and packaging that makes them attractive to children." They are actually trying to convince young minds that their products taste delicious and are safe. But what are in these dangerous liquids? Formaldehyde, glycerin, and propylene glycol are all components in vape juice. Formaldehyde is a resin usually found when preserving someone who has passed. Glycerin and propylene glycol is a vegetable based product that is completely safe to ingest, but there are no studies stating that it is okay to inhale. I think that CR 18-9 should become a law so that our young minds can be protected from the hypnotizing abilities of money hungry companies.

Mahalo,

Sierra Kalua  
Kula

RECEIVED  
2018 JAN 31 AM 8:24  
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: KAHIAU KANIHO, KAMEHAMEHA SCHOOLS MAUI  
Date: 01/29/18  
Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I strongly support the the CR 18-9 because of the effects of of smoking. Smoking affects many areas in your body such as your lungs, respiratory system, your teeth, and even your heart. An article from the guardian website says that “vaping increases your heart of heart attack because of the nicotine levels”. A study done says it cause stiffening of the arteries. This is really bad for you because it shows that its biological effects are very bad. An article from the bhf.org says that when you smoke it damages the lining of your arteries which causes fatty material to build up and narrows the arteries which causes angina, heart attack, and stroke. The American Heart association says that “Angina is chest pain or discomfort caused when your heart muscle doesn't get enough oxygen-rich blood”. A heart attack is caused when one or more of the coronary arteries are blocked, Lastley a stroke is caused when the blood supply to your brain is interrupted or reduced, So as you can see smoking has a lot of bad biological effects to the body, thank you.

Mahalo,

KAHIAU KANIHO  
Wailuku, Maui

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2018 JAN 31 AM 8:24  
OFFICE OF THE  
COUNTY CLERK

Untitled

RECEIVED

2018 JAN 31 AM 8:24

OFFICE OF THE  
COUNTY CLERK

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

Wed 1/31/2018 8:14 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: Chasey Koomoa Sidney, Kamehameha Schools Maui

Date: 29 January 2018

Re: Support for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

The issue of smoking in a car with a minor is very important, with this in mind thank you all for passing the bill to the next stage in the process of turning a bill to a law. I would like to remind you of the fact that children within cars have no choice in whether or not they are subjected to second or third-hand smoke. The law passed in 2015 that pushed the smoking age up to twenty one did have an impact in the community and the same can be said for this bill. So many people in Maui county smoke and this bill can save children from having to go through the experience of second-hand smoke as well as be able to stop them from starting to smoke when they're older. In the end, it's only a matter of whether or not the next and current generations will be protected from what they can't defend themselves from. Some of the effects that have been found in a research study done on rats during an inhalation study. The study shows that there were changes in body weight, food consumption and respiratory rate. This was found in an article titled : *Toxicological assessment of a prototype e-cigarette device and three flavor formulations: a 90-day inhalation study in rats.*

Mahalo Nui Loa,

Chasey Koomoa - Sidney

Makawao, Maui HI

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RECEIVED

2018 JAN 31 AM 8:24

Malina Mossman <Malina.Mossman@imua.ksbe.edu>

Wed 1/31/2018 8:10 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: Malina Mossman, Kamehameha Schools Maui

Date: 1/29/18

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

First off, I would like to thank the council for allowing this bill to go further into consideration. Furthermore, I am in strong support for CR 18-9. After finding out the effects of vaping and smoking, I understand the harmful effects that could enter the bodies of children. Second hand smoking and vaping can result to health issues such as the lungs getting weaker which can cause asthma, brain development, and can “damage” the heart. According to *Cleveland Clinic*, "Adults and children who have dealt with second-hand smoking are more likely to develop respiratory illnesses. Children are especially at risk because their lungs are smaller and still developing. Exposure to second-hand smoke can lead to decreased lung function and symptoms of airway inflammation such as coughing and increased mucus production, especially in children." Asthma causes a person’s airway to become inflamed which makes it difficult to breathe. Since children are young, their brains are still developing, second hand smoke interferes with the brain development. According to *Science News for Students*, “Arteries carry blood from the heart to the blood vessels. The researchers measured the stiffness of a primary artery running from the heart into the lower chest. Mice exposed to the vapors had arteries that were 2.5 times stiffer than normal.” Exposure can lead to stiff blood vessels which might lead to a threatening heart disease, why take the risk? Just because vape isn’t a real cigarette, doesn’t mean there’s real danger.

Mahalo,

Malina Mossman  
Kula, Maui

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To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
Fr: Katalina Nakoa  
Date: 1/28/18  
Re: SUPPORT for CR-18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I have never personally vaped or have had a loved one who vapes, but I am well aware of the effects vaping has on the body. Throughout the past two weeks, my class and I have been learning about what's inside the "vape juice" and how it affects the smoker and it affects on people around them. I've learned that the "vape juice" contains at least ten different chemicals that are known to cause cancer and other birth defects, like formaldehyde, a chemical that can cause asthma and irritates the nose, skin, and throat. It's a given that vaping negatively affects your lungs and cells, but we're learning that vape can also harm your heart, which can lead to a multitude of health problems. In The Washington Post article *Teen vaping is not what you think it is, researchers say* "Some of these juices contain nicotine, others contain marijuana or its active ingredient, THC." All of which can cause heart problems such as high blood pressure, fast heart rate, and endothelial dysfunction, which can lead to heart attacks. Vape causes inflammation which can disrupt blood vessels, causing heart attack. In fact, a study at George Washington University, found that the odds of a heart attack increased by 42% among people who used e-cigarettes. This is why we need this bill passed more than ever, we cannot allow children to inhale this. Especially when children don't have the option to exit the car, they are forced to sit there and suffer the consequences of the adult's bad decision. Thankfully lawmakers can help fight the secondhand smoke issue by passing this bill, so please, help these children by making CR-18-9 a law.

Mahalo,

Katalina Nakoa,  
Pukalani

RECEIVED  
2018 JAN 31 AM 8:24  
OFFICE OF THE  
COUNTY CLERK

# CR-18-9 Testimony

RECEIVED

2018 JAN 31 AM 8:24

Elijah Uwekoolani <Elijah.Uwekoolani@imua.ksbe.edu>

Wed 1/31/2018 8:07 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: Elijah Uwekoolani, private citizen

Date: 1/29/18

Re: STRONG SUPPORT for CR-18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 19th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Thank you all for having the time to listen to me and my fellow classmates testimonies on CR-18-9. I also want to address that vaping in general should really be looked into with making it more safer for the environment and also as less of these vape devices are harder to get into the hands of minors. I know a good amount of people in my life that vapes who is a minor. I'm mentioning this because I also know that they would often crave and begin on something bigger and possibly more dangerous such as smoking marijuana. It is proven that moving on to drugs after vaping isn't rare. According to article "Teen vaping is not what you think it is, researchers say", posted by [Christopher Ingraham](#) and published on August 25, 2016, it stated that "you know that vaping leads to smoking, and smoking cigarettes leads to smoking marijuana, and marijuana leads to heroin, and heroin leads to nothing, because now you're dead". Now i'm sure the people I know aren't stupid enough to try heroin but there is still that possibility. Let's take a step back, why do teens vape? We can all agree that the most obvious answers out there is so that they want to show off, be apart of the "trend" or because commercial ads drag them in to try there newest product. Like a new vape juice which is called "Unicorn puke". Stated in the article "Use of E-Cigarettes Rises Sharply Among Teenagers, Report Says" posted on April 16, 2015 by Sabrina Tavernise, it said that "others said they had never smoked but liked being part of the trend and enjoyed the taste". This is just saying that people or minors who using vape devices are probably using it to be apart of a trend and not for beneficial reasons like helping them to quit smoking. Now let's look at the harmful effects of minors being affected by inhaling cigarette smoke. According to online article "Secondhand smoke in infancy may harm kids' teeth" published on January 30, 2018 by Steven Reinberg, stated that "Those children were about twice as likely to have cavities as kids whose parents didn't smoke". Another one is that "Secondhand smoke puts children at risk for heart disease, breathing difficulties, and possibly for cavities". This shows that young kids such as babies who is exposed to cigarette smoke could lead to harmful effects such as tooth decay as the child grows up. The adults have all the time in the world to do there smoking session however they shouldn't do it with a minor around. Passing CR-18-9 will help those young children's or minors health and avoid the harmful effects that smoke brings upon the minors. It will also bring awareness to the adults who do smoke with a possible minor

around that this is serious and being taken that way so that the minors can grow up non affected by exposure to cigarette smoke.

Mahalo,

Elijah Uwekoolani  
Kahului, Maui

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RECEIVED

2018 JAN 31 AM 8:36

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: Kamehameha Schools Maui  
Date: January 29, 2018  
Re: STRONG SUPPORT for CR18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

First and foremost, I would like to thank the chair and vice chair, Mike White and Robert Carroll, and also the Maui county council for listening to my own and everyone else's thoughts and opinions. I would also like to thank you for taking the time out of your day to help find a solution for each and every problem or issue that the public has brought upon this council. The issue that I have come to bring attention to is the CR18-9 bill, and I strongly support this bill. If passed will prohibit smoking, including vaping in vehicles when persons under the age of eighteen are present in the vehicle.

We all know that smoking is not healthy for the human body and can bring many risks at hand. Even to the point of where death can possibly become a factor of the situation. In the State of Hawai'i, Department of Health's website includes the facts that, "Smoking kills more people than alcohol, AIDS, car crashes, illegal drugs, murders and suicides combined." Smoking also has many negative effects on someone's health and their body, including the people around them taking in the secondhand smoke. Being a minor, they are still maturing and developing into an adult. While they are still developing, they should not have to deal with breathing in secondhand smoke. Especially when they have no choice or say in the problem or situation at hand.

One health risk at hand while smoking or taking in the secondhand smoke is a heart attack or stroke. According to an article titled Smoking, on the British Heart Foundation website, says that "Smoking increases the risk of developing cardiovascular diseases, which includes coronary heart disease and stroke." Smoking damages the lining of your arteries, leading to a buildup of fatty material which narrows the artery. This can then cause a heart attack or stroke. The carbon monoxide within the tobacco smoke reduces the amount of oxygen in the blood. When inhaling the tobacco, the carbon monoxide within it diffuses into the blood canceling out some of the oxygen stored in the blood. This then makes the heart have to pump harder in order for it to supply your body with oxygen that is needed. There is also nicotine in cigarettes that stimulates the body to produce adrenaline. When this happens, it increases the blood pressure and make the heart beat faster, making the heart work even harder. The blood is then more likely to clot, which increases the risk of having a heart attack or stroke. Heart failure cells are siderophages generated in the alveoli of patients with left heart failure or chronic pulmonary edema, when the high pulmonary blood pressure causes red cells to pass through the vascular wall.

An organ that is affected and a part of the process of a heart attack is the heart itself. The heart is a part of the circulatory system, and so are blood vessels, including arteries, veins, and capillaries. When a heart attack or stroke occurs, it affects the circulatory system. The circulatory system circulates blood and lymph through the body, consisting of the heart, blood vessels, blood, lymph, and the lymphatic vessels and glands. So, when a minor is taking in secondhand smoke, they are at risk of a heart attack or stroke and can affect their body in an immense amount. A heart attack or stroke isn't the only harmful effect on the body when taking in secondhand smoke. There are many others too that can have just as big of an effect on your body or a minor's.

In conclusion, I want to say again thank you for listening to my thoughts and opinion on the CR18-9 bill and issue. I hope that you will take into consideration what I had to say and the effects on minor's while they are present when someone is smoking in a car.

DE 18 MA 1 E HAL 2105

Mahalo,

EHLE BO JOURNAL  
KAPALI YEMU

Takara Lee Kiesel

Wailuku, HI

# Testimony for CR 18-9

RECEIVED

2018 JAN 31 AM 8:36

Kamahie Samudio <Kamahie.Samudio@imua.ksbe.edu>

Wed 1/31/2018 8:02 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: Kamahie Samudio, Community Member

Date: 1/29/18

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I strongly support the CR 18-9 bill. I would like to thank you for getting this so far. I feel very strongly about this topic and I am now well educated about this topic after all of my research and I would like to share some of my findings on how dangerous vaping really is. According to "The National Institute for Occupational Safety and Health (NIOSH)." *Centers for Disease Control and Prevention*, artificial flavoring in vape can cause disease. It states that in 2000 with the help of NIOSH they researched and investigated the problem and came to the conclusion that the added artificial butter flavoring is responsible for causing lung disease which affects the respiratory system. This article helps me understand that even just simple things like flavoring can be extremely dangerous and cause many problems to the human body. It shows that there is many things that are unknown about this product that is can be very dangerous to the human body. Another negative effect that vaping has on the human body is it can raise heart attack risk which affects your organ, the heart and an organ system called the circulatory system. According to "Heart Attack | Society." *The Guardian*, Guardian News and Media article states that e-cigarettes containing nicotine can cause heart attack risk. They created a experiment with 15 people that proved that the nicotine causes stiffening of the arteries as well as an increased heart rate and blood pressure. The article helps me understand that e-cigs are extremely unhealthy and have more negative effects than positive. Vaping can also put people at the risk for developing lung and bladder cancers according to Bloomberg website there was experiments conducted by researchers from the New York University School of Medicine, where they tested on mice and how they are affected by the e-cigarette smoke. They later found that the smoke had caused DNA damage in the lung and bladder and more negative effect. Overall, I think the CR 18-9 bill is extremely important and this is an important matter and that it affects the human body in so much negative and dangerous ways.

Mahalo,

Kamahie Samudio



# Testimony CR 18-9

RECEIVED

2018 JAN 31 AM 8:45

OFFICE OF THE  
COUNTY CLERK

Kale Robson <Kale.Robson@imua.ksbe.edu>

Wed 1/31/2018 8:26 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: Kale Robson, Kamehameha Schools Maui

Date: 1/29/18

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha,

I have recently been doing some research about vaping which if exposed to a person can impact their health negatively. E-cigarettes contain similar ingredients to regular cigarettes including aerosol, which consists of nicotine and other harmful chemicals such as heavy metals and carcinogens, (Surgeon General calls youth vaping a public health threat <https://www.usatoday.com/story/news/nation-now/2016/12/08/surgeon-general-calls-youth-vaping-public-health-threat/95134890/>). When oxygen is breathed into the lungs and bronchi, it then transfers to the alveoli where it is absorbed through the capillaries and into the blood cells, this process is called diffusion. The diffusion of smoke from cigarettes and e-cigarettes can lead to future problems such as asthma, lung disease, cancer, heart attack, brain development issues and more. I am fortunate to not have to breathe in the smoke from these products but there are many children who are vulnerable to secondhand smoke.

Mahalo,

Kale Robson

Wailea, Maui

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## Testimony 2

Dayven Tonu <dayven.tonu@imua.ksbe.edu>

Wed 1/31/2018 8:24 AM

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

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

RECEIVED  
2018 JAN 31 AM 8:45  
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: Dayven Tonu, Kamehameha Schools Maui

Date: 1-30-17

Re: STRONG SUPPORT for 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 – 8<sup>th</sup> floor

I am in strong support for this bill because smoking and vaping can cause many of different health effects. Vaping has a lot of different chemicals such as formaldehyde. Formaldehyde is used to preserve dead things that once lived for example human body. Also, formaldehyde is very harmful because it can really affect your body. Also according to "Short-Term Effects of Electronic and Tobacco Cigarettes on Exhaled Nitric Oxide", vaping is not the "harmless water vapor" that markets claim to be. Even if they claim its "harmless water", water in your lungs are the main key of pneumonia. So we ask that you pass this bill for our future.

Mahalo,

Dayven  
Wailuku, Maui

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# Testimony for CR 18-9

RECEIVED

2018 JAN 31 AM 8:45

Puniawa Vedder <Puniawa.Vedder@imua.ksbe.edu>

Wed 1/31/2018 8:24 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: Puniawa Vedder, Kamehameha schools

Date: January 30 2018

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Bill  
Mahalo,

Aloha my name is Puniawa Vedder and I would like to thank all of you council members for what you guys have done for us people of Maui . I am in favor of the CR 18-9 bill, because I believe that the health and safety of our children and young teens is important. I have done research on the effects vaping can have on your body. On a article posted on September 11 2017 called "E-Cigarettes Containing Nicotine Linked to Raised Heart Attack by The Guardian News and Media" said If you vape a lot you can get increased heart rate, increased blood pressure, nausea, vomiting and many more other side effects. Increased heart rate can lead to stroke and a heart attack because of how rapidly the heart is beating. There are more than 4,000 chemicals found in e-cigarettes. There is a substance found in e-liquid that is called nicotine which makes vaping so addictive. Vaping and smoking affect the community and the health of young children and it is hurtful that children have to go through this every day. Vaping is very bad for you and according to The Washington Post on an article called *Teen vaping is not what you think it is* on August 25 2016 said that vaping can lead to smoking cigarettes, smoking weed, than doing heroin and nothing else after that because you are dead.

Mahalo,

Puniawa Vedder  
Hā'iku Maui,

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# CR 18-9 Testimony

RECEIVED  
2018 JAN 31 AM 8:45

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

Wed 1/31/2018 8:31 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: Kamehameha Schools Maui

Date: 2/2/18

Re: Support CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Thank you for taking the time to listen to my testimony. I also want to thank you for passing the first reading of this bill. I still support CR 18-9, prohibiting smoking in vehicles when persons under the age of eighteen is present. Smoking as well as vaping have very bad effects on the body. According to the article "Electronic Cigarettes: Vulnerability of Youth" it states "Nicotine is a highly active chemical that affects many bodily cells, pathways, mediators, and tissues. And, nicotine causes epinephrine release from the adrenal, which also affects the heart rate and blood pressure. The effect of nicotine is more complicated in neural tissue than any other organ. Fetal lungs exposed to nicotine age more quickly and have lifelong effects on the offspring." Since most vape juices contain nicotine it affects your heart rate and blood pressure. High blood pressure causes heart attacks. Most people don't realize all the risks they are taking until something is taken from them. Also in the article "E-Cigarettes Containing Nicotine Linked to Raised Heart Attack Risk." written by Guardian news it says "E-cigarettes containing nicotine could increase the risk of heart attacks and strokes. When smoking something with nicotine your heart rate goes up." Since so many teens are vaping nowadays there health is going down. Heart attacks and strokes are more likely to happen to vapers. Please help this bill pass to save the next generation.

Mahalo,

Kayla Yamashita  
Makawao, Hawai'i

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2008-08-10 10:00 AM

2008-08-10 10:00 AM

# Testimony CR 18-9

RECEIVED  
2018 JAN 31 AM 10:02

RECEIVED

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

Wed 1/31/2018 9:43 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: Jonah Raboy, Kamehameha Schools Maui

Date: 1/31/18

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I am in strong support for CR 18-9, because vaping has been known to cause many teens to have a gum disease. More commonly known as gingivitis, gingivitis is a gum disease that is a very serious infection that will damage the gums. The infection can eventually spread to the bone surrounding the tooth and other supporting tissues in the mouth cavity. I discovered this from a toxicologist from the University of Rochester in New York who recently studied that electronic cigarettes inflame mouth cells which causes and promotes gum diseases such as gingivitis. When you vape the cells in your mouth will eventually get burned and damaged over time. I also found out that a Japanese researcher from the article "Second Hand Smoke in Infancy May Harm Kids Teeth" reported that Children exposed to secondhand smoke of vape at 4 months of age may be at risk for tooth decay by age 3. This will eventually cause many teens to lose their teeth before they become young adults. Researchers from the New York University School of Medicine also discovered that vaping is the cause of some cancers. Cancer is a disease that is caused by an uncontrolled division of abnormal cells in a part of the body that invade nearby tissues. The tissues in the respiratory and circulatory system are being damaged when vaping. The researchers conducted an experiment with animals by exposing them to e-cigarette smoke for 12 weeks. At the end the experiment they discovered that the smoke causes DNA damage to the animal's lungs, bladders, and hearts, which they believe is cancer. These are just some of the effects that could happen to the youth of the Maui County.

Mahalo,

Jonah Raboy  
Wailuku, Maui

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10/21/10 10:30 AM

# Written Testimony for CR 18-9

RECEIVED

2018 JAN 31 AM 11:19

OFFICE OF THE  
COUNTY CLERK

Makamae Naleieha <Makamae.Naleieha@imua.ksbe.edu>

Wed 1/31/2018 11:17 AM

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

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

Makamae Nālei'ehā, Student of Kamehameha Schools, Maui

1/29/18

**STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present**

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Hello, honorable members of the Maui county council in this written testimony I will be explaining how smoking can hurt the human body. When smoking more than 5 years consistently there is a high probability that a person could get pneumonia once or twice and will get lung cancer later on in life says Cancer Research of the UK . According to The Mayo Clinic, lung cancer is the cancer that causes to most deaths in the United States. Lung cancer causes a larger number of deaths from colon, prostate, ovarian and breast cancers combined. People that smoke have a higher number of people that get lung cancer, though it might also occur in people that have never smoked before. Some symptoms of lung cancer is a cough that doesn't go away, coughing up blood (even a little bit), shortness of breath, chest pain, hoarseness, losing weight without trying, bone pain, and headache. If this bill isn't passed then there is a very high chance that children who are put through second-hand smoking in a car could develop lung cancer.

In the you tube video [How smoking 30 packs wrecks your lungs](https://www.youtube.com/watch?v=HD_r66sFjk)

([https://www.youtube.com/watch?v=HD\\_r66sFjk](https://www.youtube.com/watch?v=HD_r66sFjk)) it shows what your lungs would look like after smoking 35 packs of cigarettes! The sight is very nerve racking because my aunties smoke and it would be scary if their lungs looked like that. In one year it estimated that each smoker smokes about 305 packs (or 5475 cigarettes) of cigarettes every year their lungs would look so much worse especially if they smoked for over 10 years that would be 54,750 cigarettes in 10 years. If you mix that with vaping, smoking weed, and some other stuff you are killing the outside of your brain to the point of no return. Thank you for your time and consideration for this bill.

Mahalo Nui Loa,

Makamae Nālei'ehā  
Wailuku, Maui  
9th Grade

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# Written testimony for CR 18-9

RECEIVED

2018 JAN 31 PM 2: 07

Danielle Bridge <Danielle.Bridge@imua.ksbe.edu>

Wed 1/31/2018 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: Danielle Bridge, Kamehameha Schools Maui  
Date: 1-29-18  
Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Being exposed to secondhand smoke can have a big impact on anyone's health but for especially children. If this law passes for it to be illegal for anyone to smoke in a car with a minor present it may not seem like much, but it is one less place for a child to be exposed to chemicals that can take a toll on their health indefinitely.

For example, when one breathes in secondhand smoke, it interferes with the normal functioning of the blood flow. When the flow of blood is not flowing normally it puts someone more at risk to having a heart attack. When the toxins of the smoke get into your system the inner lining of the blood vessel called the tunica intima the layer of tissue closest to the blood cells are damaged. By this tissue being damaged it allows plaque to grow on the walls of the blood vessel. While the amount of plaque on the blood vessel wall is growing, at the same time it is also shrinking the space that allows the flow of blood to be normal.

If the flow of blood is not flowing properly to the heart it can cause someone to have a heart attack. A heart attack is when there is a blockage of the flow of blood to the heart. Without the blood getting to the heart the tissue loses oxygen. The tissue that is losing oxygen is made up of cells that work together to complete the task of keeping the heart pumping blood to the rest of the body. If the cells in the heart do not get enough oxygen than the heart organ will fail. When the heart organ fails it will cause other important organ systems in your body to start to fail as well. When all of the organs in your body shut down you can no longer live.

This is only one effect that secondhand smoke can have on someone. Even though it may not seem like a lot to pass this law it will be benefiting the keiki of the aina for the better.

Mahalo,

Danielle Bridge

Wailuku

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VC 12 12-15 10:00 AM

VC 12 12-15 10:00 AM

CR 18-9

RECEIVED

2018 JAN 31 PM 2:07

Savannah Rose Dagupion <savannahrose.dagupion@imua.ksbe.edu>

Wed 1/31/2018 1:57 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: Savannah Dagupion, Student of Kamehameha Schools Maui

Date: 1/29/18

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha e Honorable Members of the Maui County Council,

Firstly, I would like to thank you all for being understanding with this issue and considering passing this bill. I also would like to inform you all on the effects that vaping can have on your health in order to further show my support as to why I want this bill to be passed. One health effect that comes from vaping that I feel is important to mention is what it can do to your nervous system. The ASU School of Life Sciences states that your nervous system is made up of your brain, spinal cord, nerve tissue, and many other things that affect the way you move. According to the Eunice Kennedy Shriver National Institute of Child Health and Human Development, our brain sends messages through your spinal cords and nerves to control the movement of muscles and the function of internal organs. So, your nervous system is extremely important, and, if it is affected, it will be difficult to physically function. Vaping, specifically ones that include nicotine, are very hazardous to young children. According to an article entitled Surgeon General Calls Youth Vaping a Public Health Threat by Mary Bowerman, it can cause neurotoxic effects on younger people because their brains are still developing. Neurotoxins are toxins that are poisonous and can destruct nerve tissue. Without nerve tissue, we would not be able to receive, send, and process sensory input. Anything you perceive using your senses can be called sensory input according to AlleyDog.com. This is important because if you are unable to process sensory input, obviously this will affect the way you perform everyday tasks which will make it more difficult for you to thrive. So, keeping nicotine (vaping and smoking) away from children is significant because, of course, we want them to be healthy and live successfully. Overall, it would be great if this bill is passed because it would help children avoid obtaining this dangerous health effect caused by vaping and smoking.

Mahalo,

Savannah Dagupion

**Kula**

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CR 18-9 testimony

RECEIVED

2018 JAN 31 PM 2: 07

Tianna Lopez <Tianna.Lopez@imua.ksbe.edu>

Wed 1/31/2018 1:36 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: Tianna Lopez, Kamehameha Schools Maui  
Date: 01/31/18  
Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I support the CR 18-9 bill, because children should not be associated and within the distance of the smoke of cigarettes and/or vaping. An effect that could happen to a child due to being around an adult that is smoking/vaping is asthma.

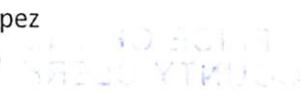
So, a reason to why secondhand smoking could affect asthma is that since a child's lungs are still developing and their bodies are smaller than an adult's body, they tend to breathe faster and so they tend to breathe in the air full of smoke which is filled with many chemicals like carbon monoxide. Carbon monoxide is an odorless and poisonous gas that could kill you. Carbon monoxide and other extremely harmful chemicals could build up in your airways and lungs which is the organs of your respiratory system. Since carbon monoxide is a chemical, it triggers the lungs and it would cause asthma symptoms to occur. This was according to Asthma UK. (2016). *Smoking and second-hand smoke as asthma triggers* | Asthma UK. [online] Available at: <https://www.asthma.org.uk/advice/triggers/smoking/> [Accessed 29 Jan. 2018].

Another reason to why secondhand smoke affects asthma is that even when a child isn't born yet and they are still in the womb, if their mother has been exposed to secondhand smoke or has been smoking when pregnant, their baby could develop asthma from that early in life. This information was found according to Simons E, e. (2014). *Maternal second-hand smoke exposure in pregnancy is associated with childhood asthma development.* - *PubMed - NCBI.* [online] Ncbi.nlm.nih.gov. Available at: <https://www.ncbi.nlm.nih.gov/pubmed/24607049> [Accessed 29 Jan. 2018].

Another reason to how a child could develop asthma due to secondhand smoking is that when a child is in the area of an adult smoking, their lungs tend to grow less than a child that did not experience secondhand smoking. Having smaller lungs leads to breathing faster and inhaling in the smoking in the air which causes a risk of having asthma. This was according to Plus, G. (2017). *Tobacco Smoke and Asthma* | AAFA.org. [online] Aafa.org. Available at: <http://www.aafa.org/page/secondhand-smoke-environmental-tobacco-asthma.aspx> [Accessed 30 Jan. 2018].

I hope this information could help you make a better decision about this bill and hopefully you could support this bill as well.

Mahalo, 

Tianna Lopez  
Makawao 

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# Testimony for CR 18-9

Pukonakona Patricio <Pukonakona.Patricio@imua.ksbe.edu>

Wed 1/31/2018 1:58 PM

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

RECEIVED

2018 JAN 31 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: Pukonakona S. Patricio, Kamehameha Schools

Date: 1/29/18

Re: STRONG SUPPORT for CR18-9, 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 – 8<sup>th</sup> floor

I strongly support the passing of CR18-9 Prohibiting Smoking in vehicles when Persons under the age of eighteen are present. This law could really do good for the children of the maui county. Smoking cigarettes are almost as harmful as vaping. According to Centers for Disease Control, vape juice contains nicotine, metal particles, and other harmful materials. Nicotine found in vape juice ranks with cyanide, is addictive, is toxic, and can harm the developing human body including pregnant women and the developing fetus. When cheap metals are heated and inhaled they can get trapped in the bronchioles which disrupt cells within them. Some metals may contain Methylmercury. According to *Mercury Poisoning* by [Medicine.net](http://www.Medicine.net) Methylmercury can harm many parts of the body and mainly disrupts hand-eye coordination. Since big tobacco, its little brother has followed in its footsteps. Vape manufacturers have denied and lied about the levels of nicotine in their juices. Big tobacco has also lied. If they had not lied there would not have been tobacco prevention programs. History repeats itself. Vaping can cause harm on many levels from cellular to the organ and organ systems. It would be nice if this law became reality.

Mahalo,

Pukonakona Patricio  
Pukalani/Makawao

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CR18-9

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RECEIVED

2018 JAN 31 PM 2: 37

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

Wed 1/31/2018 2:09 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: Kamehameha Maui

Date: January 29, 2018

Re: In SUPPORT for CR18-9 , Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: January 30th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha council members and chairman. exposure to secondhand 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 can lead to heart disease and cancer. According to HealthNewYork.Gov , secondhand smoke is dangerous because smoke from the burning butt of a cigarette, pipe or cigar, and the smoke exhaled by a smoker have many chemicals that are hazardous. This concoction contains 40 substances known to cause cancer.

Cancer, is a disease caused by a division of uncontrolled abnormal cells in a part of the body. The more widely the cancer is spread, the harder it is to control it and exterminate, making cancer so deadly and dangerous. Some chemicals in second hand smoke directly cause cancer. In addition, according to StopSmokingCenter, other chemicals damage the body's natural cleaning systems so that toxic substances can enter and remain in the body. Not only will long term exposure to secondhand smoke lead to cancer and heart disease, but it may also cause headaches, dizziness, and nausea. For example, according to SymptomCheckerWebMD, Anemia of chronic disease (ACD) can cause fatigue, nausea, dizziness, and headache . In conclusion, exposure to secondhand smoke have severe symptoms such as fatigue, nausea, dizziness and headache.

Mahalo,

Galicinao, Jaedon  
Wailuku 96793

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Untitled

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RECEIVED

2018 JAN 31 PM 3:12

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

Wed 1/31/2018 3:10 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: Zachary Genobia, Kamehameha Schools Maui

Date: 1/29/18

Re: STRONG SUPPORT for CR-18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I support CR 18-9. I am happy to know that the bill passed after the vote. I'd like to share a couple things I found on the web about e-cigs and vaping. What I found is how bad e-cigs and vaping are for our body and community in Hawai'i. According to E-Cigs and Second-Hand Vaping - Scientific American Smoking cigarettes kills. According to Per the Centers for Disease Control, smoking "is the leading cause of preventable death in the United States, accounting for more than 480,000 deaths, or one of every five deaths, each year." Now that's just cigarettes. According to Is Vaping Bad For You? Health Risks & Safety Compared to Smoking it says most e-cigs contain the chemical nicotine, which is addictive. When someone stopped using it, you can go into withdrawal and feel depressed and crabby. Nicotine isn't good for people with heart problems. Some initial research shows it may hurt your arteries because of the unhealthy chemicals. I also found more side effects from vaping on Side Effects of Vaping - The Truth Revealed for the First Time. The side effects from vaping that I found are dry mouth, dizziness, cough, dry skin, Itchiness, dry eyes, Insomnia (mainly a quitting side effect), Nosebleeds, and Bleeding gums which all affect your Organ system. Dizziness is common side effect from vaping. According to Dr. Farsalinos survey, about 5 % of vapers had experienced dizziness after vaping which are caused by PG and VG, which have to do with nicotine. Now who would want that for their body?

Mahalo,

Zachary Genobia

Kula

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CR-18-9

Duke Borge <duke.borge@imua.ksbe.edu>

Wed 1/31/2018 8:42 PM

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

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

RECEIVED

2018 FEB -1 AM 8: 50

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:

Duke Borge, Kamehameha Schools Maui

Date:

1-29-18

Re:

Strong support for CR-18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8th floor

Aloha,

I believe that the council members should pass this bill. I think that this bill should pass, because if adults and smoking in the car with a minor, they could be harming the minor. The adult is distracted with two things now. A child/teen and the cigarette or e-cig while driving on the road. Studies have shown that parents with a minor are one of the most distracted drivers. A child crying in the back would distract the driver and be endangered because the distracted driver could now get into an accident. The minor could get second hand smoke from the polluted cloud flowing through the car. The child/teen has to breathe in the polluted air which travels through their trachea into their lungs. They now have a higher risk at getting asthma and cancer. Second hand smoking can harm the minor's respiratory system. Second hand smoking makes it harder for the minor to breathe because their lungs are polluted and it is worse for minors because their lungs are still developing and growing. People who get second hand smoke can get lung cancer their respiratory system. When you inhale cigarette smoke, which is full of cancer causing substances (carcinogens), changes in the lung tissue begins to almost immediately. At first your body may be able to repair this damage. But with each repeated exposure, normal cells that line your lungs are increasingly damaged. So every time you inhale smoke, you are damaging your tissue in the lung. This damage harms the organ that would affect the respiratory system.

Also other interesting fact about smoking is that your lungs are not the only thing that is affected. You can also get rectal cancer. In an article called "Association between smoking at diagnosis and cause-specific survival in patients with rectal cancer: Results from a population-based analysis of

10,794 cases” published on the 15th of march in the year 2017, it states “A total of 10,794 rectal cancers were diagnosed. At diagnosis, 25% were current smokers, 24% were ex-smokers, and 51% were never smokers who live with current smokers. Compared with never smokers, current smokers had a significantly greater rate of death from cancer ” This tells that more second hand smokers have a high risk of getting rectal cancer. Rectal cancer is a type cancer that affects your rectum and colon. This cancer harms your digestive system. It also harms one of your organ that travels up the right side of your abdomen and down your lower abdomen. So I have a question for you. Do you want our new generations of kids to be diagnosed with such a unforgiving disease? Cigarette smoke contains many carcinogens a substance that causes cancer in living tissue. When you smoke, you are increasing your risk for colon cancer. Inhaling chemicals and toxins into your body invites free radicals to damage DNA and mutate healthy cells. Free radicals can cause the development of precancerous polyps in the large intestine, which can become cancerous and eventually cause colon cancer.

Mahalo,

Duke Borge  
Wailuku

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CR 18-9

Lauryn Hashimoto <Lauryn.Hashimoto@imua.ksbe.edu>

Wed 1/31/2018 9:28 PM

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

RECEIVED  
2018 FEB -1 AM 8:50  
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: Lauryn Hashimoto, Kamehameha Maui High School

Date: 1/29/2018

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

First off I would like to say thank you for allowing the CR 18-9 to get this far. I strongly support CR 18-9, because vaping is a serious danger to the kids of Maui. According to the article *Teen Vaping Is Not What You Think It Is* they say that even though kids don't put nicotine in the juice doesn't mean that the ejuice isn't harmful too. The liquid in the juice has many chemicals that are carcinogens, stated in *Are E-Cigarettes' Popularity Causing More Teens To Smoke*. Cancer is when abnormal cells divide uncontrollably and the carcinogens in the ejuice cause the abnormal cells to multiple and multiple until there's a bunch of them. That is called a tumour. But in the article *Evaluation of Electronic Cigarette Use (Vaping) Topography and Estimation of Liquid Consumption* it states that as people increase the amount of nicotine, it will raise your heart rate, blood pressure, and breathing. All of these are signs that lead to heart attacks, lung and kidney disease. That's why this bill needs to be passed.

Mahalo,

Lauryn Hashimoto  
Kahului

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# CR-18-9 Testimony

RECEIVED  
2018 FEB -1 AM 8:50  
OFFICE OF THE  
COUNTY CLERK

Sasha Jorgensen <Sasha.Jorgensen@imua.ksbe.edu>

Wed 1/31/2018 6:31 PM

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

To: The Honorable Mike White, Chair

The Honorable Robert Carroll, Vice Chair

Honorable Members of the Maui County Council

Fr: Sasha Jorgensen, Kamehameha Schools Maui Student

Date: January 29, 2018

Re: Strong support for CR-18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha Maui County Council,

Before I tell you about why CR-18-9 should become law, I would like to thank the entire council for supporting this bill up until this point. I am strongly for CR-18-9 and think this bill is very important in order to protect our keiki from secondhand smoke.

One of the effects I've learned about as a result of secondhand smoke is coronary heart disease. According to the National Heart, Lung, and Blood Institute, coronary heart disease, also known as atherosclerosis, is the buildup of plaque in the coronary arteries. The coronary arteries are a part of the circulatory system and supplies oxygen-rich blood to your heart muscle so that your heart can stay healthy. The heart is one of the most important organs in your body and it is impossible to live without it.

The WebMD article *Coronary Artery Disease* says "From a young age plaque can start to go into your blood vessel walls... As you get older the plaque builds up". This means coronary heart disease can be developed as a child. This is not only caused by smoking but also secondhand smoke. Before the plaque completely builds up you may get angina. Angina, as defined on the *Emedicinehealth* website, is pain or discomfort in your chest caused by the lack of blood flow to the heart muscle. When the plaque completely builds up, your blood cells are unable to get oxygen and without it they die. Once the cells die so does the heart muscle tissue. This can then cause a heart attack. Heart attack is when the heart muscle begins to die from complete lost of blood supply from the plaque build up.

Though coronary heart disease can be prevented and treated, it cannot be cured. Knowing that CHD (coronary heart disease) may develop during one's childhood years it is important to take action now and help prevent it. If this bill becomes a law, we are one step closer to preventing heart diseases like CHD from developing in our keiki.

Mahalo,

Sasha

Wailuku, HI

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In support of bill 18-51

Jana-Nicole Laborte <jana.nicole.laborte@gmail.com>

Thu 2/1/2018 6:11 AM

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

RECEIVED

2018 FEB -1 AM 8:50

OFFICE OF THE  
COUNTY CLERK

Aloha,

I am emailing in support of bill 18-51. It saddens me that our iwi kupuna are being displaced. I ask that bill 18-51 is passed and so our kupuna may rest in peace.

Me Ke Aloha,

Jana-Nicole Laborte

# Protecting the Iwi Kupunas

pelenatita namoa <titanamoa@icloud.com>

Wed 1/31/2018 8:59 PM

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

RECEIVED  
2018 FEB -1 AM 8:50  
OFFICE OF THE  
COUNTY CLERK

Aloha,

I am emailing your department to request the fast track of Bill 18-51. There is a lot wrong with this picture of continuing to disturb these burial sites. Any sane person can clearly see that.

At first, it was publicly confirmed that the mining would be halted and a few days later, the Iwi protectors see we have been lied to.

It's very obvious now that what is told to us is only to keep us shut momentarily, and then you guys turn around and be sneaky.

Whatever happened to taking an oath to tell the truth in God's name. I don't want to say it, but you know where people go if they lie one to many times to people who are true at heart.

P.s.- Fast track the bill!!!! Please.

Sincerely,

Lena Namoa

Sent from my iPhone

Bill 18-51

RECEIVED

2018 FEB -1 AM 8: 50

Debra Koonohiokala Norenberg <dknorenberg@yahoo.com>

OFFICE OF THE  
COUNTY CLERK

Thu 2/1/2018 7:57 AM

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

Aloha,

Please be advised that I, (a relevant descendant of our iwi kupuna of Maui), do strongly stand in support of Bill 18-51.

I also strongly support the establishment and governance of an uluwehi by the descendants of our iwi kupuna of Maui.

Finally and appropriately, I firmly believe the terms under which our iwi kupuna are to be cared for is ultimately the responsibility of and at the discretion of the descendants of our iwi kupuna of whom, I am just one.

Thank you for your time and attention! Have a blessed day everyone.

Aloha,

Debra Koonohiokala Norenberg  
(808) 224-4918  
dknorenberg@yahoo.com

69-D Railroad Ave PMB 22  
Hilo, Hawaii 96720

# CR-18-9 Testimony

RECEIVED

2018 FEB -1 AM 8: 50

Connor Viela <connor.viela@imua.ksbe.edu>

Wed 1/31/2018 7:10 PM

OFFICE OF THE  
COUNTY CLERK

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

To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
Fr: Connor Viela, Kamehameha Schools Maui High School Student  
Date: January 29th, 2018  
Re: STRONG SUPPORT for CR-18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present  
Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Aloha County Council,

After attending the meeting on January 19th, I have researched and learned many more effects that vaping has on the human body. Many ingredients found in e-juices are carcinogens. E-juice is a liquid solution used in e-cigarettes that can come in many flavors to satisfy the users taste. Carcinogens defined by the American Cancer Society in an article titled "Known and Probable Human Carcinogens" (last revised in 2016 on November 3) are substances that affect DNA that can eventually lead to cancers. There are many carcinogens in e-juices but one specific chemical I'll be discussing about is formaldehyde. An article from the National Cancer Institute titled "Formaldehyde and Cancer Risk" defines what formaldehyde is and the short and long term effects it can have. Formaldehyde is colorless, flammable, and a strong-smelling chemical. This chemical can be found in many household products like fiberglass, glues and adhesives, and paper coating products. This chemical has many effects on the body if consumed. For example, people can experience nausea, skin irritation, and a burning feeling in the eyes, throat, and nose. An article from the ATSDR (Agency for Toxic Substances & Disease Registry) describing the many effects that formaldehyde has on the body over a long period of time. Formaldehyde can affect the lung and its functions, causing difficulty in breathing. Also through research that the rates of throat and nose cancers are more common. The Integumentary, Nervous, Excretory, and Respiratory systems are all affected by this one chemical. Bronchitis can also be caused by formaldehyde along with severe damage or loss of lungs if inhaled. If this chemical is ingested it can lead to a blood vessel rupture in the stomach or a kidney failure. If this chemical comes into contact with skin, it can cause rashes and irritation and high risk of skin cancer. This one chemical can lead to major health issues. Imagine if this chemical along with many others are inhaled by children in cars through second hand vaping. Majority of these ingredients other than nicotine is a carcinogen which is linked to cause many types of cancers. I hope that this bill passes to protect the children of this community.

Mahalo,

Connor Nohea Viela

Central Maui, Kahului 02099

02 08 MA 1-23 PM

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## Testimony 2

RECEIVED

2018 FEB -1 AM 8:50

OFFICE OF THE  
COUNTY CLERK

Ezekiel Weber <Ezekiel.Weber@imua.ksbe.edu>

Wed 1/31/2018 7:09 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: Ezekiel Weber, KSM Student

Date: 1/29/18

Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I am in full support of this bill. I appreciate all that you have done for this bill so far. But I also would like to bring up vaping and the major effects it has on the Maui community and the population and all the people of Hawai'i. I have done some research on the topic of vaping and I have found that according to Science News for Kids (Raloff, Janet, and Beth Mole. "Vaping May Harm the Lungs." *Science News for Students*, 15 Aug. 2017, [www.sciencenewsforstudents.org/article/vaping-may-harm-lungs](http://www.sciencenewsforstudents.org/article/vaping-may-harm-lungs)) chemicals in e-cigarettes can damage lung tissue, provoking inflammation. Inflammation is a physical condition in which part of the body becomes reddened, swollen, hot, and often painful, especially as a reaction to injury or infection. The damage can reduce the ability of the lungs to keep out germs and other harmful substances, new studies show. So vaping is not harmless. Just like cigarettes vaping can also cause lung failure and even lung cancer which can ultimately lead to death. Inhaling the chemicals permitted by vaping will damage your respiratory system. And it can cause you to have a harder time breathing. Vaping has diacetyl in it and diacetyl scars the tiny air sacs in your lungs called the alveoli inhaling diacetyl makes your airways thick and narrow which can cause you to get popcorn lung. According to ("Vaping and Lung Cancer: What You Should Know." *WebMD*, WebMD, [www.webmd.com/lung-cancer/vaping-lung-cancer](http://www.webmd.com/lung-cancer/vaping-lung-cancer).) The chemical can cause a dry cough that won't go away. It also causes shortness of breath, wheezing, headache, fever, aches, and other health problems. The vapors also can irritate your eyes, skin, nose, and throat. Also according to (Malito, Alessandra. "Americans in This State Are the Biggest Users of e-Cigarettes." *MarketWatch*, 5 July 2017, [www.marketwatch.com/story/americans-in-this-state-are-the-biggest-vapers-2017-07-05](http://www.marketwatch.com/story/americans-in-this-state-are-the-biggest-vapers-2017-07-05).) Hawai'i is is top 4th state in America. So by passing this bill we will be one step closer to living in a healthier community.

Mahalo,

Ezekiel Weber  
Wailuku/Waiehu

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# CR-18-9 Testimony

RECEIVED

RECEIVED

2018 FEB -1 AM 9:15

Isaiah Souza <isaiah.souza@imua.ksbe.edu>

Thu 2/1/2018 8:56 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: Isaiah Souza, Kamehameha Schools

Date: 1/29/18

Re: STRONG SUPPORT for CR-18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2th, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I would like to thank you all for passing this bill through the first reading. We are one step closer to protecting the youth of our community. After doing research it is found that vaping includes inhaling nicotine, ultrafine particles that can be inhaled deep into the lungs, flavoring such as diacetyl, a chemical linked to a serious lung disease. Diacetyl symptoms may include a dry cough, shortness of breath when using extra energy, and wheezing which may become severe. Vape users will also inhale heavy metals such as nickel, tin, and lead affecting the respiratory system. Inhaling these things may also affect the kidneys and liver. It studied that inhaling those things connect to lung cancer and breast cancer. (Smoking and Tobacco Use. (2018). *CDC - Electronic Cigarettes - Smoking & Tobacco Use*. [online] [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/index.htm](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm)). Studies show that babies developing lungs are being harmed and developing brains are being permanently damaged by pollutants such as cigarette or E-cig smokers U.S. This is damage to the lungs hurting the babies growth. These babies will not develop normally and have negative effects when they grow up. (2018). *Toxic air puts 17 million babies' brains and lungs at risk: UNICEF*. [online] <https://www.reuters.com/article/us-pollution-children-health/toxic-air-puts-17-million-babies-brains-and-lungs-at-risk-unicef-idUSKBN1E0008>). Another article explains that vapes contain a stimulant that can cause a stiffening of the arteries, as well as an increased heart rate and blood pressure. When the arteries stiffen it may lead to a stroke or a heart attack which may cause death. The Guardian. (2018). *E-cigarettes containing nicotine linked to raised heart attack risk*. [online] <https://web.a.ebscohost.com/society/2017/sep/11/e-cigarettes-containing-nicotine-linked-to-raised-heart-attack-risk>

Please let this bill pass to protect the people of our community.

Mahalo,

Isaiah Souza

Kahului, Maui

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# Testimony for CR18-9

RECEIVED

2018 FEB -1 AM 9:32

John Jarnesky <John.Jarnesky@imua.ksbe.edu>

Thu 2/1/2018 9:19 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: JOHN JARNESKY, KAMEHAMEHA SCHOOLS

Date: January 31, 2018

Re: STRONG SUPPORT for 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 – 8<sup>th</sup> floor

I strongly support the passing of this bill because even though vaping is widely seen as less harmful, that does not mean that it is harmless. It can have many harmful effects on the adolescent bodies of teens.

In an article published by Janet Raloff on June 29, 2015, titled *The Dangers of Vaping: "Teens are falling for flavored e-cigs, but the vapors they inhale may be toxic."*, it states this: "Chemicals in e-cigarettes can damage lung tissue and reduce the lungs' ability to keep germs and other harmful substances from entering the body". Most teens do not know about the chemicals in e liquid, and therefore do not care about what effects it may have in the long run.

Another article published by Christopher Ingraham on August 25, 2016, titled *"Teen vaping is not what you think it is, researchers say"*, It states: "...and while vaporized liquid is probably better for your lungs than hot smoke, vape juice typically still contains a number of chemicals and flavoring compounds whose long-term effects on the human body aren't really known yet." This is telling that some of the chemicals in vape liquid have not been put to tests and studies, so therefore, the effects of these chemicals are unknown.

An article written by Carrie Printz published on June 5, 2017 titled "Researchers call teen vaping "one-way bridge" to smoking" states: "Dr. Miech notes that vaping changes teens' perceptions of smoking risks and leads them to be less likely than non-vapers to believe that smoking is harmful." This means that vaping has some shared chemicals to smoking, and eventually pushes teens to smoking cigarettes.

Mahalo,

John Jarnesky  
Kahului

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11/11/11 10:11 AM

CR18-9

RECEIVED

2018 FEB -1 AM 10: 41

OFFICE OF THE  
COUNTY CLERK

Jayci Bulosan <Jayci.Bulosan@imua.ksbe.edu>

Thu 2/1/2018 10:33 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: Jayci Bulosan, Kamehameha Schools Maui Student

Date: January 30, 2018

Re: SUPPORT for CR18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Meeting: February 2, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

Dear Maui County Council,

I am writing to you in response to CR18-9. First, I want to thank the county council for passing this bill in the first reading and hopefully pass again to become a new county law. I am in support for CR18-9 which does not allow the use of tobacco cigarettes and vaping in vehicles. E-cigarettes have not been around long enough to show long term use effects but e-cigarettes have shown some harm to users in short term usage. One effect is has on a user is that it can slow down or even stop healing cells from healing cuts/wounds. According to an article by Lindsey Konkel titled *Concerns Explode over New Health Risks of Vaping*, [www.sciencenewsforstudents.org/article/concerns-explode-over-new-health-risks-vaping](http://www.sciencenewsforstudents.org/article/concerns-explode-over-new-health-risks-vaping) these cells are called fibroblasts. These fibroblasts squeeze wounds/cuts closed but they need mitochondria. Mitochondria is the fuel to fibroblasts. A scientist named Rahman conducted an experiment. He grew lung fibroblasts in a petri dish. He cut into a community of the growing cells to mimic a wound. Then Rahman exposed the cells to e-cigarette vapor. The fibroblast that he was growing morphed into wound healing cells as expected but they did not close up the cut. This was because the fibroblast cells lacked the mitochondria they needed. This bill can stop vapor weakening children's fibroblast cells and keep them away from any long term effects e-cigarettes may cause.

Concerns explode over new health  
risks of vaping

[www.sciencenewsforstudents.org](http://www.sciencenewsforstudents.org)

A host of brand new studies unearth worrisome health concerns related to teen vaping.

10/29/2019 10:57:11 AM

10/29/2019 10:57:11 AM

**Mahalo,**

**Jayci Bulosan**  
**Kahului resident**

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# STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present

Sheanalyn Kahalewai <Sheanalyn.Kahalewai@imua.ksbe.edu>

Thu 2/1/2018 10:44 AM

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

RECEIVED  
2018 FEB -1 AM 10:48  
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: Sheanalyn Kahalewai, Student of Kamehameha Schools Maui  
Date: 1/29/18  
Re: STRONG SUPPORT for CR 18-9, Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present  
Meeting: February 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor  
Aloha e Honorable Members of the Maui County Council,

First of all, I would like to thank all of you for listening to our concerns, and understanding our perspective regarding the CR 18-9 bill. I would also like to mention the effects and consequences concerning the problem of smoking in vehicles when persons under the age of eighteen are present. One majorly important health effect that comes from this dire situation is the damage to your respiratory system. The NHLBI website states that, "The respiratory system is made up of organs and tissues that help you breathe. The main parts of this system are the airways, the lungs and linked blood vessels, and the muscles that enable breathing." Some major effects of smoking and vaping that corrupt your respiratory system are irritation of the trachea and larynx, reduced lung function and breathlessness, impairment of the lungs' clearance system, increased risk of lung infection and symptoms such as coughing and wheezing, and permanent damage to the air sacs of the lungs. According to the NCI website, "The trachea, commonly known as the windpipe, is the main airway to the lungs; the larynx, also known as your voice box, is the passageway for air between the pharynx above and the trachea below." The Better Health website states that, "Reduced lung function and breathlessness is due to the swelling and narrowing of the lung airways and excess mucus in the lung passages. Also, impairment of the lungs' clearance system leads up to the build-up of poisonous substances, which results in lung irritation and damage." This is important because if anyone is smoking, vaping, or with someone who is doing the above, they have a high chance of getting those corrupting health effects. The swelling and narrowing of the lung airways would make it harder for you to breathe; without oxygen, your alveoli can't transfer the oxygen with carbon dioxide and vice versa. No transfer between these two, would stop oxygen from entering into your red blood cells. No red blood cells equal to no blood with oxygen, which equals to no breathing. You need oxygen to breathe, and smoking, vaping, or second-hand smoke will eventually stop that. By passing CR 18-9 you help and protect the future generations from deadly health effects like these. I would like to thank you once again for listening and taking into consideration our perspective on CR 18-9.

Mahalo,  
Sheanalyn Kahalewai

Wailuku

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Testimony in support of County Communication 18-51  
For Maui County Council Hearing  
February 2, 2018  
9:00 am

Aloha mai! My name is Benton Kealii Pang. I come from the Akiona 'ohana from Lahaina and am grandson to Peter Aki Pang, once the head chef at the old Wailuku Hotel. I am a member of the Hawaiian Civic Club of Honolulu, the first Hawaiian civic club established by Prince Jonah Kūhiō Kalaniana'ole in 1918, and I am the ecosystems committee chair for the 25 clubs making up the O'ahu Council of the Association of Hawaiian Civic Clubs. I support the moratorium called for in CC 18-51.

In November 2017, 340 delegates for the Association of Hawaiian Civic Clubs passed a resolution at it's annual convention in Seattle, Washington urging the Maui County Council to prohibit the resource extraction of sand mined from the Pu'u One sand dunes on Maui. The Maui County Council Chair received a copy of this resolution. I have attached it to my testimony and would like filed for the record. Mahalo.

Aloha 'Āina,

Benton Kealii Pang, Ph.D.  
Hawaiian Civic Club of Honolulu  
Chair, Ecosystems Committee-O'ahu Council  
808-349-3636

RECEIVED  
2018 FEB - 1 PM 2: 08  
OFFICE OF THE  
COUNTY CLERK

***ASSOCIATION OF  
HAWAIIAN CIVIC CLUBS***

***A RESOLUTION***

No. 2017 – 31

**URGING THE MAUI COUNTY COUNCIL TO PROHIBIT RESOURCE EXTRACTION  
OF SAND FROM THE PU‘U ONE SAND DUNES**

WHEREAS, sand mining or beach sand mining is a practice that is used to extract sand, mainly through an open pit, however, sand is also mined from beaches, inland dunes and dredged from ocean beds and river beds.

WHEREAS, sand is often used in manufacturing as an abrasive, for example, and it is used to make concrete; and

WHEREAS, millions of tons of sand from Central Maui dunes have been mined and shipped off the island since the mid-1980’s; and

WHEREAS, the Central Maui Sand Dunes stretching from Kahului Harbor to Waikapū is also known as the Pu‘u One Sand Dunes; and

WHEREAS, Maui chief Kahekili met the invading warriors of chief Kalani‘ōpu‘u of Hawai‘i at the sandhills of Kama‘oma‘o...between Wailuku and Waikapū and this 1776 Battle of Kakanilua (Ahulau Ka Pi‘ipi‘i i Kakanilua) occurred near the sand dunes of Waikapū killing 800 warriors; and

WHEREAS, the Wailuku-Kahului Community Plan has determined the Pu‘u One Sand Dune Formation as a cultural resource and wahi pana; and

WHEREAS, a 2006 study of the Pu‘u One Dunes, informed Maui County that current mining/shipping rates stated the resource would be depleted by 2011; and

WHEREAS, shared ownership interests connected to Maui Lani developer Bill Mills, excavation company Honolulu Construction & Draying Co. (HC&D), the sand barge Quinault, Pohaku Paa and Ameron (dba HC&D) sold \$30 million worth of cement in just one year alone to the Honolulu rail project; and

WHEREAS, according to the Maui County Planning Director, Maui Lani and HC&D have properly been issued grading permits, but because the excavation and exportation of high quality sand for making concrete and other purposes meets the definition of “resource extraction”; and

WHEREAS, resource extraction may require either a special use permit or a conditional

use permit, neither of which are currently held by Maui Lani or its partners; and

WHEREAS, the county had issued notice to Maui Lani to pause and apply for more permits; and

WHEREAS, a lawsuit brought by Mālama Kakanilua was filed in Environmental Court on August 2, 2017, to halt activity at the Maui Lani site saying the mining disrupts Hawaiian burials, violates county grading permits, and county zoning laws (Civil no. 17-1-03113); and

WHEREAS, the Maui Lani Partners Archaeological Monitoring Plan that has been approved by the State Historic Preservation Division (SHPD) provides “all grading activities will be monitored full time...[n]o sand will be excavated directly out of the ground and loaded into trucks” and the protocol requires “[o]ne archaeological monitor per piece of ground disturbing equipment”; and

WHEREAS, in 2016, Maui Lani reported at least three inadvertent discoveries of burials to the SHPD; and

WHEREAS, six temporary burial sites reported to SHPD by Maui Lani were considered “extremely culturally sensitive”; and

WHEREAS, Office of Hawaiian Affairs (OHA) is calling for all grading to stop immediately to give county and state regulators time to sort out zoning, permits and iwi preservation practices; and

WHEREAS, in April 2017, Maui Mayor Alan Arakawa called for a sand export moratorium.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 58<sup>th</sup> Annual Convention in Seattle, Washington, in the malama of ‘Ikuwā and the rising of Māhealani, this 4<sup>th</sup> day of November 2017, urging the Maui County Council to prohibit the resource extraction of sand from the Pu‘u One Sand Dunes; and

BE IT FURTHER RESOLVED, that the Honolulu City Council prohibit the importation of sand from the Central Maui Sand Dunes for the Honolulu Rail Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Maui-Lāna‘i Burial Council, Mālama Kakanilua, Maui County Council Chair, City and County of Honolulu Council Chair, Honolulu Authority for Rapid Transportation Executive Director, as well as the Governor of the State of Hawai‘i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of 'Ikuwā and the rising of Māhealani on the 4<sup>th</sup> day of November 2017, at the 58th Annual Convention of the Association of Hawaiian Civic Clubs in Seattle, Washington.

*Annelle C. Amaral*  
Annelle C. Amaral, President

# PEA-41 Smoke-Free Cars in Maui County

RECEIVED

2018 FEB -1 PM 2:11

John A. H. Tomoso <john.a.h.tomoso@gmail.com>

Thu 2/1/2018 2:09 PM

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

OFFICE OF THE  
COUNTY CLERK

02-01-18

Aloha mai,

I know that PEA-41 is set to pass its second and final reading and I am so happy for all of us, as a "public health-attuned" and "intergenerationally healthy" community.

I strongly support PEA-41, which would prohibit smoking in a motor vehicle when a minor is present in Maui County (all three islands of our jurisdiction)!

Secondhand smoke in a car can be up to ten times more toxic than what the EPA considers "unhealthy air quality", even when a window is down. We all know that "healthy, clean air" is a legacy left to us by our kupuna!!

Inhaling secondhand smoke is especially harmful because our precious na keiki (all of them) lungs, as they are still developing, at least through their 18th birthday.

Passing smoke-free cars into law will help decrease our precious na keiki exposure to secondhand smoke and educate our makua and other adults about the dangers of smoking in a car, especially when a minor is present.

I respectfully ask that you pass PEA-41 in order for Maui County to join the rest of the State of Hawai'i (joining the Big Island, Kaua'i, and O'ahu) to eliminate smoking in cars when a minor is present.

Me ke aloha,

H+

cc: CTFH-Maui ListServ  
HPHA Board  
HEALTHCARE

Member: CTFH-Maui

Board Member: Hawai'i Public Health Association (HPHA)

John A. Hau'oli Tomoso+, MSW, ACSW, LSW

Licensed Social Worker and Episcopal Priest

51 Kuula Street

Kahului, Maui, HI 96732-2906

[john.a.h.tomoso@gmail.com](mailto:john.a.h.tomoso@gmail.com)

808-280-1749

808-280-1749

S.C.P.

photo

*"O na kino malu i ka lani, malu e hoe...(O beings sheltered by the heavens, clear our path of all hindrance.)"*

## 2/2 Council Agenda Item H. Communications - 18-53

Mark Hyde <hydem001@hawaii.rr.com>

Thu 2/1/2018 2:22 PM

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

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

Agenda item H. 18-53 would amend the existing ordinance governing Wailea 670 to allow workforce housing to be constructed either within the boundary of Wailea 670 itself or within the Kaonoulu Industrial Park.

To build housing of any kind within the Kaonoulu Industrial Park would violate a state Land Use Commission Order requiring the entirety of the parcel to be constructed into a 123-lot light industrial park. This was the subject of a contested case hearing before the Land Use Commission which concluded that the affordable housing component proposed by Kaonoulu Partners does in fact violate the Order.

Furthermore, the Kihei Makena Community Plan (KMCP) specifically reserves the Kaonoulu Industrial Park for light industrial use narrowly and customarily defined in addition to explicit language within the plan that expressly requires the entire parcel to be developed into a light industrial park.

Approval of the amendment as submitted would violate the Land Use Commission Order and the KMCP.

This is not to say that the Land Use Commission Order and the KMCP cannot be amended to allow for development of workforce housing within the Kaonoulu Industrial Park property, but any action taken by the council to approve the language submitted by the Planning Director must require the applicant first to secure approval from the state Land Use Commission and from the county council, in a separate proceeding, to amend both the Order and the community plan if the owner ultimately seeks to build housing within the industrial park land.

South Maui Citizens for Responsible Growth is not voicing objection to affordable housing in this location; rather, it stands for the rule of law and codified procedures available to the applicant to pursue housing in this particular location.

South Maui Citizens for Responsible Growth  
By Mark Hyde, President  
4320 E. Waiola Loop  
Kihei, Hawaii 96753  
874-3839

RECEIVED  
2018 FEB - 1 PM 2: 29  
OFFICE OF THE  
COUNTY CLERK

# Support for Bill 18-51

Erika Lechuga Disalvo <erika.lechugadisalvo@gmail.com>

Thu 2/1/2018 2:29 PM

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

Aloha,

I am writing in support of Bill 18-51. The lwi deserve to be protected. Please fast track this bill so that the burials in this area are protected NOW. Mahalo Nui.

--

*With Aloha,*

*Erika Lechuga DiSalvo*  
**808.250.5548**

RECEIVED  
2018 FEB -1 PM 2:50  
OFFICE OF THE  
COUNTY CLERK

Bill 6, 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

begoniabarry@gmail.com on behalf of Barbara Barry <gardenmeister@msn.com>

Thu 2/1/2018 11:00 PM

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

Aloha Chair White and County Council Members,  
I strongly support this measure and I hope to see it become law asap.  
Mahalo,  
Ms. Barbara Barry  
Ha'ikū

RECEIVED  
2018 FEB -2 AM 7:45  
OFFICE OF THE  
COUNTY CLERK

# A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 MAUI COUNTY CODE, RELATING TO COUNTY DEPARTMENTS

begoniabarry@gmail.com on behalf of Barbara Barry <gardenmeister@msn.com>

Thu 2/1/2018 10:49 PM

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

Aloha Chair White and County Council Members,

I strongly support this ordinance amending Chapter 2.12 Maui County Code to read as follows:

''Section 2.12.040 Department of the prosecuting attorney. There is established a department of the prosecuting attorney as provided by law.The prosecuting attorney may appoint investigators who shall have all the powers and privileges of a police officer of the County while acting

within the scope of their duties as investigators. The department of the prosecuting attorney shall adopt policies and standards regarding training and use of these powers consistent with, and in conformance to, those adopted by the department of police. The department of the prosecuting attorney shall support the use of the Hawaiian language in all relevant judicial processes.

Mahalo,

Ms.Barbara Barry

Ha'ikū

OFFICE OF THE  
COUNTY CLERK

2018 FEB -2 AM 7:45

RECEIVED

# AMENDING SECTION 20.40.020, MAUI COUNTY CODE, RELATING TO THE DEFINITION OF "SAND MINING"

begoniabarry@gmail.com on behalf of Barbara Barry <gardenmeister@msn.com>

Thu 2/1/2018 10:16 PM

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

Aloha Chair White and Council Members,

I strongly support Bill No. 18-51 to amend the language that allows any business to have been exempt from sand mining prior to the moratorium finally becoming law on January 5, 2018.

Your job is to protect these dunes and the Iwi Kupuna contained there in, not sell out to the developers in backroom deals.

Maui Lani Partners (MLP) has been allowed to illegally mine hundred of thousands of tons of Central Maui sand and destroy countless burials in its Phase 9 site.

I support Mālama Kakanilua, a local group of cultural descendents and their supporters that are fighting to stop this desecration.

This is cultural genocide and must not be allowed. Culture before Commerce!

Stop the destruction immediately and designate these dunes as Culturally and Historically sensitive sites.

Mahalo,

Ms. Barbara Barry

Ha'ikū

RECEIVED  
2018 FEB -2 AM 7:45  
OFFICE OF THE  
COUNTY CLERK

# SUPPORT of Bill No. 18-51

Joseph Kohn <weareoneent@msn.com>

Thu 2/1/2018 7:51 PM

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

RECEIVED  
2018 FEB -2 AM 7:45

OFFICE OF THE  
COUNTY CLERK

Aloha Kakou:

Strongly SUPPORT of Bill No. 18-51 - to get rid of the exemptions clause in the original sand mining moratorium that allows Maui Lani to continue sand mining in its Phase 9 location. Please fast track this bill so that the burials are protected ASAP.

Mahalo,

Joseph Kohn MD  
Founder, We Are One, Inc. - WAO  
1268 W Hiahia Pl  
Wailuku, HI 96793-9762  
808-359-6605  
[Joseph@WeAreOne.cc](mailto:Joseph@WeAreOne.cc)  
[www.WeAreOne.cc](http://www.WeAreOne.cc)

Testimony for Jennifer Noelani Ahia  
February 2, 2018

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2018 FEB -2 AM 10: 49

**Bill 18-51 Support**

OFFICE OF THE  
COUNTY CLERK

Mahalo to Council Member Cochran for introducing this bill. It is imperative that we fast track this bill and remove the exemptions clause from the Sand Mining Moratorium. It is in direct conflict with the spirit and intention of the legislation. When this legislation was presented for a vote in early January, Councilman Hokama said "I don't have a problem with the moratorium, (but the law) either applies to everybody or nobody." And Council Member Stacy Crivello strongly supported the bill, but she said she didn't like its exemptions. I couldn't agree more.

If you recall, at the last county council meeting when this bill was voted on, many of us spoke up about the Public Works Department's inappropriate renewal of the grading and grubbing permit for Maui Lani Phase 9, which then put them in the category of being exempt from the moratorium. Please recall that the renewal was approved in 29 minutes from the time it was requested by Maui Lani's engineer, Kirk Tanaka.

The day after the Sand Mining Moratorium was passed, Maui County spokesman Rod Antone was quoted in the Maui News as saying "*The extension of this permit is not unusual, as we are not aware of any violations as far as their grading work is concerned.*" But he later said that "Public Works is aware of groups and individuals who have asked that Maui Lani's permits be rescinded and is in the process of reviewing them with the assistance of county attorneys." If they were in the process of reviewing this permit, why did they renew it?????????????

Is this ignorance, or deception?? Director Antone's own statements contradict each other and it was a sorry attempt to spin the story to the public to make it appear that the county had done a good thing by passing this moratorium, while in actuality, they have manipulated the rules to once again benefit the developers. Maui Lani Partners, who's phase 9 permit was being used to illegally sand mine, as stated by Maui County's Planning Department last May, is what initiated this legislation. And now Maui Lani phase 9 is exempt from this legislation, because of this exemption clause, and because the department of public works under David Goode renewed the permit without proper review. Very sneaky Maui County. Very corrupt indeed. Where is the integrity? You must pull the exemption clause and pass bill 18-51.

Please see the letter that Attorney Lance Collins sent to Director David Goode in response to the re-issuance of the permit in question. The letter is attached in my testimony.

LAW OFFICE OF  
**LANCE D COLLINS**  
A LAW CORPORATION

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2018 FEB -2 AM 10:40

Post Office Box 179336, Honolulu, Hawaii 96817  
808.243.9292 • lawyer@maui.net

OFFICE OF THE  
COUNTY CLERK

January 10, 2018

David Goode, Director  
Department of Public Works  
County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793

**Re:** Request to rescind staff's improper extension of Grading Permit No. 20140191 for Maui Lani Phase IX, TMK No. (2) 3-8-007:153 (por.) to December 8, 2017.

Dear Mr. David Goode,

I hope this letter finds you well. I am counsel for Mālama Kakanilua<sup>1</sup> and other plaintiffs in *Mālama Kakanilua v. Maui Lani Partners*, Civ. No. 17-1-0311(3), which is before the Second Circuit's Environmental Court. Neither the County of Maui nor the Department of Public Works (DPW) is a party to this case. I am writing on behalf of my clients to request that you overrule your staff's improper one-year extension Grading Permit No. 20140191 for Maui Lani Phase IX, TMK No. (2) 3-8-007:153 (por.) to December 8, 2018.

On or about November 20, 2017, DPW administrator Cathy Hasfurther sent an email to owner Maui Lani Partners (MLP) and its contractor, R.T. Tanaka Engineers, Inc., advising that they had been granted a one-year extension for Grading Permit No. 20140191 (permit), with a new expiration date of December 8, 2018. *See* Exh. A (2017 Staff Email). DPW staff's extension of MLP's permit was improper for the following reasons.

*Staff acted in excess of authority, and permit extension was an arbitrary and capricious decision.*

MLP was required to obtain the permit prior to grading or stockpiling on Phase IX. Maui County Code (MCC) §20.08.040(A). Every grading permit shall expire and become void one year after the date of issuance. However, the DPW director may grant a time extension in cases of hardship or for good cause. MCC §20.08.110. Prior to renewing the permit, DPW's Director was required to determine whether MLP's grading permit application conformed to chapter 6E of the Hawaii Revised Statutes (HRS), and any other development regulation or law of the county or the State of Hawaii. MCC §19.500.080. No finding of hardship, good cause, or conformity with HRS chapter 6E or other applicable rules by you, as DPW Director, was included in the staff's grant of the one-year extension. There appears to be no administrative rules adopted that allows staff to act on your behalf or how they exercise discretion. DPW staff acted in excess of its authority, its permit extension was an arbitrary and capricious decision, and the permit extension should be rescinded.

<sup>1</sup> Mālama Kakanilua is an unincorporated association that was formed many years ago to protect 'iwi, burials, and other historic and archeologically significant sites in Maui. Mālama Kakanilua is named for Kakanilua, a historic and famous battle that occurred in the sandhills of Wailuku. Members of Mālama Kakanilua include lineal descendants of lands including those of the project site and conduct native Hawaiian traditional and customary practices concerning 'iwi, burials, environmental protection, and historic properties within and near Maui Lani project district and the Phase 9 site.

*Permit extension was based on erroneous material facts and law.*

Staff's decision to reissue the permit to MLP was based on erroneous findings of material fact and law. Permit issuance was based on MLP's initial application in 2014, which represented that there are no "known burials, cemeteries, or other historic sites on the property" and that MLP would only excavate 213,920 cubic yards on 8.9 acres at the Phase IX project site to a depth not to exceed 45 feet. *See* Exh. B (2014 Grading Permit Application). These representations have been proven incorrect.

At least five burials have been found on MLP's Phase 9 site prior to DPW's issuance of the 2018 renewed grading permit. MLP representative, Leanne Paci, and its hired archaeological consultancy firm manager, Lisa Rotunno-Hazukas, testified to the same before Maui's Environmental Court. *See* Civ. No. 17-1-0311(3), Hazuka Test., Tr., September 1, 2017 (p.m.), at p. 99, ln. 25 – p. 100, ln. 5; Paci Test., Tr., September 8, 2017 (p.m.), at p. 11, ln. 13–18.

My clients have testified to seeing grading of Phase 9 lands to a depth of at least 60 feet and in violation of MLP's permit conditions. *See* Civ. No. 17-1-0311(3), Apana Test., Tr. Aug. 30, 2017 (p.m.), at 36, ln. 13-19. Kirk Tanaka testified under oath that the grading plan showed several areas of where the natural and finished grade exceeded 45 feet. *See* Civ. No. 17-1-0311(3), Apana Test., Tr. Sept. 8, 2017 (am) at 104, ln. 22 – 113 ln 10. Members of Mālama Kakanilua have seen an "endless convoy of trucks" removing sand from Phase IX, providing a basis for a reasonable belief that more than 213,920 cubic feet of sand has been removed. *See* Civ. No. 17-1-0311(3), Testimony of Amy Halas, Tr. Aug. 23, 2017 (a.m.), p. 99, ln. 8-11. These lead to a reasonable belief that the amount of sand excavated from the Phase IX project site substantially exceeds 213,920 cubic yards of sand.

Whenever a County grading permit has been issued on the basis of incorrect information supplied by the permittee or whenever the grubbing, stockpiling or grading is not being performed in accordance with the terms and provisions of the permit, the DPW Director may, in writing, suspend or revoke the permit. MCC §20.08.120.

*Extension approval constituted a clearly unwarranted abuse of discretion.*

It is highly unlikely that staff were unaware of MLP's exceedance of permit terms and the material errors that remained uncorrected in the initial application concerning the presence of burials because Mālama Kakanilua members have been in contact with staff and the County of Maui was initially named as a defendant in Civ. No. 17-1-0311(3). This case concerns the application of HRS chapter 6E, which mandates in part:

HRS § 6E-42 Review of proposed projects. (a) Except as provided in section 6E-42.2, before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or office shall advise the department and prior to any approval allow the department an opportunity for review and comment on the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places.

HRS § 6E-42 "requires a permitting agency to seek state historic preservation division review and comment only when the permitting agency knows, or has reason to suspect, that the project may impact a burial or other historic site." *Hui Mālama i Nā Kīpuna o Hawai'i Nei vs. Walmart, DLNR, City and County of Honolulu Department of Permitting and Planning*, 122 Hawai'i 171, 223 P.3d 236 (App. 2009).

Any discretion DPW staff was afforded in preparing MLP's request for a permit extension for the DPW Director's review and approval was abused and the issuance of the extension was clearly unwarranted. With indisputable facts of the existence of unmarked ancestral Native Hawaiian burial sites, DPW was required to seek review and comment from the State Historic Preservation Division (SHPD) on MLP's permit renewal, who would review the burial finds to date, and make appropriate recommendations which could include modifications to the archaeological monitoring plan, which is a main point of contention in the *Mālama Kakanilua* lawsuit, or require additional exploratory testing, which could be attached as conditions to your permit renewal. DPW's exercise of discretion in issuing the permit extension, or failure to exercise that discretion, was clearly unwarranted.

For the above reasons, we respectfully request that you find that MLP's permit extension was improperly granted and revoke the permit extension.

Very truly yours,  
LAW OFFICE OF LANCE D COLLINS

A handwritten signature in black ink, appearing to read "Lance D. Collins", with a stylized flourish at the end.

LANCE D COLLINS  
Attorney for Malama Kakanilua

Cathy Hasfurther - Re: Maui Lani - Phase 9 Site Grading

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From: Cathy Hasfurther  
To: mail@tanakaeng.com  
Date: 11/20/2017 3:57 PM  
Subject: Re: Maui Lani - Phase 9 Site Grading  
Cc: Eric Yoshizawa; 'Daren Suzuki'

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Hi Kirk,

We received your request to extend the subject grading permit. We have granted a one year extension for grading permit, G20140191. The new expiration date of this permit is **December 8, 2018**.

Thanks.  
Cathy

Catherine Hasfurther, PE  
County of Maui  
Department of Public Works  
Development Services Administration  
250 S. High Street  
Wailuku, HI 96793  
Civil Const. Office: [\(808\) 270-7242](tel:(808)270-7242)  
Subdivision Office: [\(808\) 270-7252](tel:(808)270-7252)  
Email: [cathy.hasfurther@mauicounty.gov](mailto:cathy.hasfurther@mauicounty.gov)

>>> "R. T. Tanaka Engineers, Inc." <mail@tanakaeng.com> 11/20/2017 3:28 PM >>>  
Cathy,

Pursuant to our discussion, attached is our request for extension of the grading permit for your review and approval.

Should you have any questions or comments, please do not hesitate to contact us.

Kirk T. Tanaka, P.E., L.S.  
R. T. Tanaka Engineers, Inc.  
871 Kolu Street, Suite 201  
Wailuku, HI 96793  
Ph: [\(808\) 242-6861](tel:(808)242-6861)  
Fax: [\(808\) 244-7287](tel:(808)244-7287)  
[mail@tanakaeng.com](mailto:mail@tanakaeng.com)

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COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
DEVELOPMENT SERVICES ADMINISTRATION  
250 SOUTH HIGH STREET  
WAILUKU, HAWAII 96793  
Ph: (808) 270-7242 Fax: (808) 270-7972 Inspector: (808) 270-7366

## GRADING AND GRUBBING PERMIT APPLICATION

### PROJECT/PROPERTY INFORMATION

PROJECT NAME: Maui Lani - Phase 9 Site Grading  
TAX MAP KEY: (2) 3-8-07:153 (Por.) ADDRESS: Maui Lani Parkway

OWNER / PERMITTEE INFORMATION: **DECLARATION:** The undersigned accepts the permit subject to conditions described in the General Provisions, construction plans, County Code Section 20.08, and any other document associated with the permit.

OWNER NAME: Maui Lani Partners  
ADDRESS: 1100 Alakea Street, Suite 2200, Honolulu, HI 96813

PHONE: 808 244-8730 EMAIL: dsuzuki@mauilani.com

SIGNATURE: [Signature] PRINT NAME: Daren Suzuki

If Permittee is not the owner:  
PERMITTEE NAME: [Signature]

ADDRESS: [Blank]

PHONE: [Blank] EMAIL: [Blank]

SIGNATURE: [Blank] PRINT NAME: [Blank]

### PERMIT INFORMATION

GRADING PERMIT  
Fill: 0 (cubic yards)  
Excavate: 213,920 ~~212,280~~ 15 (cubic yards)  
Graded Area: 8.9 8.8 (  acres  sq. ft.)  
Maximum height/depth of excavation or fill: 45 (feet)

GRUBBING PERMIT Grubbed Area: (  acres  sq. ft.)

### IDENTIFY CRITICAL AREAS LOCATED ON OR AFFECTING THE PROPERTY

- Yes  No Is any portion of the property located in the Special Management Area?
- Yes  No Are there Special Flood Hazard Areas or drainageways on the property?
- Yes  No Is the property located along the shoreline?
- Yes  No Are there wetlands located on the property?
- Yes  No Are there known burials, cemeteries, or other historic sites on the property?
- Yes  No Will grading affect an existing slope with a height greater than 15 feet and with a grade steeper than 35% (10H:3.5V)?

Estimated Dates: Start: [Blank] Completion: [Blank]

PERMIT APPROVAL (For county use only) APPLICATION NUMBER: GT20140090

Fee \$ 4242.00 Bond \$ 463,920 Mt. St. Undermity, LLC

SPECIAL CONDITIONS: MBI 1013

APPROVED BY: [Signature] 12/5/14  
For: Department of Public Works  
PERMIT NUMBER: G20140191  
DATE OF ISSUANCE: 12/8/14

GENERAL PROVISIONS are considered a part of this permit and are included herein by reference. Hard copy is available at Development Services Administration or can be viewed/downloaded online at County website: [www.co.maui.hi.us](http://www.co.maui.hi.us)

INSPECTOR'S COPY