

**MULTIMODAL TRANSPORTATION COMMITTEE**  
**Council of the County of Maui**

**M I N U T E S**

**Council Chamber**

**September 30, 2019**

**CONVENE:** 9:09 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Yuki Lei K. Sugimura, Chair  
Councilmember Riki Hokama, Vice-Chair (left at 11:46 a.m.)  
Councilmember Tasha Kama  
Councilmember Kelly T. King  
Councilmember Alice Lee  
Councilmember Tamara Paltin  
Councilmember Shane M. Sinenci

**STAFF:** Shelly Espeleta, Legislative Analyst  
Stacey Vinoray, Committee Secretary

Mavis Oliveira-Medeiros, Council Aid, Hana Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Zhantell Lindo-Dudoit, Council Aide, Molokai Council Office (via telephone conference bridge)

Don Atay, Executive Assistant to Councilmember Shane Sinenci  
Gina Flammer, Executive Assistant to Councilmember Shane Sinenci

**ADMIN.:** David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Director, Department of Public Works  
William Hankins, Police Lieutenant, Department of Police  
Kenneth Kihata, Police Sergeant, Department of Police  
Georgette Tyau, Deputy Director, Department of Liquor Control  
Layne Silva, Liquor Control Officer IV, Department of Liquor Control  
Terry Vencl, Administrative Assistant, Office of the Mayor

Robin Shishido, District Engineer, State Highways Division, Department of Transportation  
Sherry Duong, Executive Director, Maui Visitors Bureau

**OTHERS:** Richard Collins, Director, Maui Coalition for Drug-Free Youth  
Kawena Kekuwa, Youth Member, Maui Nui Youth Council

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Tyler Fisher, Youth Member, Maui Nui Youth Council  
Eric-Lee Correa, Volunteer, Mothers Against Drunk Driving  
Andrea Maniago, Volunteer, Mothers Against Drunk Driving  
Ashlee Klemperer Chapman, Coordinator, Maui Coalition for Drug-Free Youth  
Katie Folio  
Garrett Marrero, Maui Brewing Company/Hawaii Craft Brewers Guild  
Kerith Harding, Rector, St. John's Church  
Jasee Law  
Johnnie Oliveira, Hana Branch Manager, Maui Economic Opportunity  
Jasmine King

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

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CHAIR SUGIMURA: . . . *(gavel)* . . . Good morning, everyone. Today is September 30<sup>th</sup> and it is 9:09 a.m. Sorry for the delay. We're having technical difficulties with *Akaku* on our live feed. Welcome everybody. And can you believe we're almost into our October? This year has gone by too quickly. My name is Yuki Lei Sugimura and I am the Chair of this Multimodal Transportation Committee. With us today is my Vice-Chair Riki Hokama.

VICE-CHAIR HOKAMA: Good morning.

CHAIR SUGIMURA: Good morning. And Shane Sinenci --

COUNCILMEMBER SINENCI: Aloha and good morning.

CHAIR SUGIMURA: --from Hana. Good morning. Alice Lee.

COUNCILMEMBER LEE: Madam Chair, back by popular demand, somebody caught me in the hallway, *dobroye utro* is good morning in Russian. And the person who asked me to say this greeting this morning is in the audience and he's Jasee Law, who's part Russian, part law.

CHAIR SUGIMURA: Part law. How do you say it again?

COUNCILMEMBER LEE: *Dobroye utro*.

CHAIR SUGIMURA: *Dobroye utro*, good morning, Ms. Lee. Tamara Paltin. Good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR SUGIMURA: Aloha. I see it was your birthday?

COUNCILMEMBER PALTIN: Yeah, on Saturday.

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CHAIR SUGIMURA: Oh, happy birthday, happy belated.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: And Kelly King.

COUNCILMEMBER KING: Thank you. Aloha kakahiaka and hauoli la hanau to my colleague over here.

CHAIR SUGIMURA: Yeah. Thanks for remembering her. Welcome, everybody. Today, we have on our agenda just two items, which is Promoting Traffic Safety on Two-lane Roadways, MT-30, which is actually a proposed bill from Member Shane Sinenci; and Roadway Safety MT-10, which is actually about roadway safety and today we have Liquor Department to talk to us about and share information on what they're doing. Also with us in the audience is Rowena Dagdag from Public Works. Thank you, Rowena, for being here. And we're thrilled to have Robin Shishido, who's the District Engineer from the State Highways Division and for Transportation and actually both items there may be kind of relevant information that we may want to ask you. So, thank you for being here. From the Police Department, we have Lieutenant William Hankins, Traffic Section; Sergeant Kenneth Kihata, also from the Traffic Section, I'm told he does the data analytics for the Department; and in the gallery, we have Terryl Vencl, which is the Tourism Liaison, Office of the Mayor; Sherry Duong, Executive Director from the Maui Visitors Bureau; we also have from the Liquor Control Department, we have Georgette Tyau, which is the Deputy Director and Layne Silva, not too sure what your title is--hi, Layne--you're the Chief Enforcer.

MR. SILVA: . . . *(inaudible)* . . . LC-04.

CHAIR SUGIMURA: Oh, LC-04. Others that we have here is Michael...oh, no, Mr. Galazin is here from Corp. Counsel and Shelly Espeleta is my new Legislative Analyst--thank you, Shelly--and, of course, we have Stacey Vinoray, who's the Secretary. District Offices are online, so at this time I'd like to start with public testimony. We have...how many? We have nine here and we have one in Hana. So, the first testifier is Rick Collins, testifying on MT-8 [sic], which is roadway safety.

## **. . . BEGIN PUBLIC TESTIMONY . . .**

MR. COLLINS: Good morning, Committee Chair --

CHAIR SUGIMURA: Good morning.

MR. COLLINS: --Sugimura and Committee Members. My name's Rick Collins. I'm with the Maui Coalition for Drug-Free Youth. Thank you for hearing this again and continuing to work on this issue of traffic safety. I'm here to testify on behalf of MT-10(8) and really, I want to first thank the Liquor Control for being here. Layne is here and I think Georgette is on her way. As you folks probably know, we've been working with this

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Committee for the last probably couple of months now on this issue and so you folks, Layne, and Georgette in the Liquor Control play a very, I think, key role in looking at how do we reduce DUI fatalities and DUI crashes on our road. What the coalition would like to propose and we're asking for the Committee's support with this is we would like to propose that the that Liquor Control work on two key areas and that's around licensee education is one and licensee enforcement, specifically, looking at their, reviewing the rules related to their beverage server training and their over service enforcement rules. What we would like to propose is that the coalition and also potentially Mothers Against Drunk Driving but that a few key community members be included in either the Small Business Advisory Committee or a separate committee that we create to review those specific rules related to education and enforcement. We'd like to make sure that those rules can't be strengthened at all. We have some resources both at the National Liquor Law Enforcement Association, U.S. Alcohol Policy Alliance, and some other key experts in the field where we could advise and bring support to Liquor Control to look at those rules. We believe that if the Liquor Control has gold standard rules that help minimize over service enforcement and ensure that all people who touch alcohol have a good solid beverage server training that we can reduce DUI rates on the road and, ultimately, we can reduce fatalities on our road. So, again, we'd like to recommend that Liquor Control be amendable to including us in a committee whether it'd be their Small Business Advisory Committee or a different committee to review those rules and we ask for the Committee's support in that. Thank you.

CHAIR SUGIMURA: Thank you. Any questions for Mr. Collins? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here again, Mr. Collins.

MR. COLLINS: Yes.

COUNCILMEMBER KING: So, I have a question for you. You were, I think you were here...were you here for the discussion from the previous two weeks ago when we had this meeting --

MR. COLLINS: Yes.

COUNCILMEMBER KING: --and the Police Department was here promoting a reduction in the blood alcohol level --

MR. COLLINS: Yes.

COUNCILMEMBER KING: --from .08 to .05? Do you support that?

MR. COLLINS: Yes. I do support that.

COUNCILMEMBER KING: Okay. Okay. We're going to bring...I'm going to bring some, that up this later on when we get to that agenda item, so just wanted to get a general feel for it but this is going to be proposed to the HSAC.

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MR. COLLINS: Great, great. I think that's great. Yes.

COUNCILMEMBER KING: Thank you. Thank you for your support.

CHAIR SUGIMURA: Any other questions? Seeing none, thank you. Next testifier is Kawena Kekuewa.

MS. KEKUEWA: Sorry, I'm very small. Good morning, Council Chair --

CHAIR SUGIMURA: Good morning.

MS. KEKUEWA: --County Members, and everyone in this room. My name is Kawena Kekuewa. I am 19 years old and I have been a part of the Maui Nui Youth Council since my senior year of high school. Today, I am here to ask for your support on the MT-10(8) item agenda. It should be a known fact that drunk driving can lead to many severe consequences but because of selfish reasons many innocent lives have unfortunately just become another statistic. Before this, we have gone to the Liquor Commission for support regarding rule changes that would reduce over consumption of alcohol, but it wasn't effective. Now, we come to ask you guys for help. We as a community should be looking out for each other and keeping everyone safe and by strengthening the responsible beverage server training to bartenders about the signs of intoxication they can avoid over serving their customers and save lives. I hope this Committee will recommend the Liquor Department to work with the community to create solutions. Thank you so much for taking time to listen to me and addressing this issue.

CHAIR SUGIMURA: Thank you for being here. Members, any questions? Seeing none, thank you. Thank you for testifying. Next is Tyler Fisher, after that is Eric Correa.

MR. FISHER: Aloha, Council Chair and community members. I'm Tyler Fisher and I go to Maui High School and I'm a resident in Kahului. I work with the Maui Nui Youth Council. I'm here to ask for your support in holding the Maui County Liquor Control Department and Commission accountable for their role in the issue of drunk driving and roadway safety. I gave testimony to them in the past but they made me feel like my voice was unheard. I'm here to recommend the Liquor Control to work with us on these recommendations that can increase public safety. One recommendation is to strengthen the responsible beverage training roles, so we can provide better knowledge for those selling liquor in a licensed establishment. Servers of liquor with better education can understand the signs and symptoms of intoxication so that it can reduce the serving to customers. Another recommendation is to review rules relating to other service or over service. I thank you all for your time.

CHAIR SUGIMURA: Thank you for being here. Anyone have questions for him? Ms. Paltin?

COUNCILMEMBER PALTIN: Hi, thanks for being here and thank you for your service. I just was wondering what made you have the feeling that you weren't being heard?

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MR. FISHER: They just kind of totally ignored, not ignored, but it felt like they like rushed through it and bypassed it, what I said, what my fellow youth members, and what we all said.

COUNCILMEMBER PALTIN: So, the rules weren't strengthened and there was no rules for training on over service of alcohol is what you're saying, like that's what you testified for and it didn't happen?

MR. FISHER: Yeah.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR SUGIMURA: Thank you very much. Thank you. Next testifier is Eric, after that is Andrea Maniago.

MR. CORREA: Good morning, everyone, --

CHAIR SUGIMURA: Good morning.

MR. CORREA: --Council...Committee Chair and Members. Thank you for having me this morning. I'm Eric Correa. I'm with Mothers Against Drunk Driving. I'm a volunteer. And we've been here the last two months talking about many issues and I think you guys made a lot of progress. I came here to mainly welcome the Liquor Commission, I mean, sorry, Liquor Control Department to the table, also to ask that maybe the Liquor Commission Chair, Nane Aluli, also be present since he's the chair of a decision making body and could provide explanation for whatever rule changes are made and voted on by the Commission. It's...it was very unclear on several occasions that what the reasons were for some of the rule changes. For as an example, the 24 hour liquor sales, when that went into effect, everyone was asking why would you want to sell liquor at for 24 hours a day, and who's idea was this, and we never got an answer. To his credit, Hayden, sorry, not Hayden, Nane Aluli's credit, he was not the chair at the time. But to have our Commission give us the answers we need, because members in our community are dying at a crazy rate on our roadways this year. It would be something logical, I think, so we can kind of more readily identify the problem and address it, take actions to address it. Also I would like to see that the department heads, Police Department, Fire Department, Prosecutor's Offices, and maybe Mayor's Office also get notifications of rule changes and submit feedback as to what they feel the impacts of such rule changes would on the public with regard to traffic safety, public health, and other social impacts. That's all I have.

CHAIR SUGIMURA: Thank you. Any questions for Eric? Tamara Paltin?

COUNCILMEMBER PALTIN: Thank you. So, from the agenda today, it looks like we're having a discussion on this. Did you have specific actions that you wanted us to take in addition to the discussion? 'Cause I'm kind of new here and just think that we are not allowed to tell the Liquor Commission and those folks how to do it, like, while I certainly

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agree with you on the things that they should be doing, what is it that you want us to do to get them to do what they should be doing?

MR. CORREA: Well, basically, I'm, first of all, I'm glad the Liquor Department is here. I'm not sure that the chair for the commission was invited to come 'cause he's, he heads that decision making body. And I would like questions posed to that decision maker, those decision makers as to who is proposing such rule changes that are more aggressive, are more, I don't know, favorable to the liquor industry, and also why those rules are needed.

COUNCILMEMBER PALTIN: Thank you.

MR. CORREA: Thank you.

CHAIR SUGIMURA: Thank you. Ms. King?

COUNCILMEMBER KING: Thank you. Mr. Correa, can I ask you one more question? Thank you. Thanks for being here. I really appreciate your support and what you guys are doing in the community. And I just wanted to ask you the same question I asked Mr. Collins. Is it...do you support the reducing of the blood alcohol, the legal alcohol limit to drive from .08 to .05?

MR. CORREA: Absolutely. As a victim of drunk driving twice, I've been hit by a drunk driver.

COUNCILMEMBER KING: Wow.

MR. CORREA: Once when I was a police officer. I had a drunk driver that I arrested was in my car, was about to pull on a roadway, another drunk driver rear ended my police car.

COUNCILMEMBER KING: Oh, wow.

MR. CORREA: And then both guys got arrested, fortunately injuries were minimal. Second time was with my family at 8 o'clock in the morning. We were going to the beach, drunk driver came left of center, and hospitalized myself, my three-year-old son, and my wife. So, yes, a .05...I've read comments that people are afraid to drive at night or even visit Maui because of the service problem, the amount of alcohol we have on our roadways.

COUNCILMEMBER KING: Wow. Okay. Thank you. And then, did you, did MADD lobby for that back when, a few years ago, when then Senator Josh Green proposed that legislation?

MR. CORREA: I don't know specifically if they did or not. I wasn't with the organization back then. My understanding was a while ago and I'm not sure I can answer that question accurately.

COUNCILMEMBER KING: Okay. Okay. Thank you.

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CHAIR SUGIMURA: Thank you, Mr. Correa. Thank you very much for what you do. Next testifier Andrea Maniago and then Ashlee Klemperer after that, followed by Katie.

MS. MANIAGO: Good morning. I have spoken at the first meeting but for those of you that don't know me I'm a volunteer for MADD and the reason why I volunteer is because I lost my son to a drunk driver ten years ago. And in ten years, our roadways has not gotten better. They've gotten worse. We've been seeing way too many deaths. So, I'm here to ask for you to listen to the ideas that the coalition has. I think we're trying to come up with solutions and I just hope that you are able to...sorry. I hope that you're able to, not give us what we need, but just to give us a chance to coming up with solutions and basically, I think the Liquor Commission is doing what they need to do, but I think it could be better. I think our roadways could be better. So, I'm just asking how. How can it be better? And we're trying to give solutions, so I'm hoping that this will help us in some way. Thank you.

CHAIR SUGIMURA: Thank you. Any questions for her? Seeing none, thank you. Thank you for your --

MS. MANIAGO: Thank you.

CHAIR SUGIMURA: --commitment to the community.

MS. MANIAGO: Thank you.

CHAIR SUGIMURA: Next is Ashlee.

MS. CHAPMAN: Good morning, Committee Chair, Committee Members. My name is Ashlee Klemperer Chapman. I coordinate the Maui Coalition for Drug-Free Youth and the Director of the Maui Nui Youth Council. I, too, would like to thank the Department of Liquor Control for being here. Thank you, Georgette, for being here and Layne as well. So, I just want to echo my fellow coalition members and our youth councilmembers and that we have tried over many, many times to advocate directly with the Liquor Control and Commission around various issues relating to reducing the potential for over service and associated harms of over consumption, and we have not been very successful. In our experience, we have found that what ends up being implemented are rule changes that ultimately benefit the local liquor industry. And so, what we're asking for is a seat at the table to contribute to those solutions and to the rule changes either as Rick recommended through the current Small Business Advisory Committee, which we have asked for a seat, and we've been denied by the Liquor Department, and I have that in writing. So, our question is why aren't we allowed at the table? Why haven't we been invited? They have stated that when there are relevant rule changes that will brought into the conversation, but for us, we don't feel like that's good enough. So, we would really appreciate a seat at that table, part of that committee, part of that work group where we can contribute our expertise from the public health perspective, and contribute to reducing drunk driving, and improving roadway safety. Thank you.

CHAIR SUGIMURA: Thank you. Mr. Sinenci?



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COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Ashlee, for being here. I just had a clarification question. So, do we have 24 hour alcohol sales now?

MS. CHAPMAN: No.

COUNCILMEMBER SINENCI: But it's being proposed?

MS. CHAPMAN: It had been proposed back in 2016 and the coalition among many other very invested community members advocated very heavily over the course of three months to repeal that 24 hour alcohol sales and reinstate the blackout hours. So, that was effective, but it required 47 testifiers at the first meeting and 35 testifies at the second meeting before the Liquor Commission would make the decision to repeal 24 hour sales.

COUNCILMEMBER SINENCI: Okay, great. Thank you.

MS. CHAPMAN: Thank you.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR SUGIMURA: Thank you for your good work. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you for your service and testimony. I just was wondering if you could clarify. You want the Coalition for Drug-Free Youth to be on the Liquor, have a seat on the Liquor Commission?

MS. CHAPMAN: No. To be an active member of the Small Business Advisory Committee or as Rick recommended the creation of an additional committee that would help oversee the rules pertaining to public health.

COUNCILMEMBER PALTIN: Small Business Advisory Committee.

MS. CHAPMAN: Yes.

COUNCILMEMBER PALTIN: And is that...do you know if that's within the Council's authority to put, to legislate that?

MS. CHAPMAN: I am unaware.

COUNCILMEMBER PALTIN: Oh, okay.

MS. CHAPMAN: I don't know.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR SUGIMURA: Okay, thank you.

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MS. CHAPMAN: Thank you.

CHAIR SUGIMURA: Next we have Katie Folio, followed by Garrett Marrera [sic]. Yay.

MS. FOLIO: Hi, good morning, Chair Sugimura --

CHAIR SUGIMURA: Good morning.

MS. FOLIO: --and Members of the Committee. My name is Katie Folio and I'm here today as a member of the Coalition for a Drug-Free Youth to support the recommendations that we've put forth to help reduce drunk driving in our County. While implementing consequences and downstream accountability is an important piece of this equation, we must not forget about upstream interventions. They could help keep our citizens from becoming overly intoxicated in the first place from ever getting in their car when their blood alcohol level is too high. To this end, we kindly request that Council pass a resolution requesting that the Liquor Commission create a work group including community members like MADD and the Maui Coalition for a Drug-Free Youth along with a Multimodal Committee member, which would review enforcement rules related to over service enforcement, serving size of a standard drink, one drink at a time rule, and beverage server training. They could help the committee DUI rates. Half of drunk drivers have had their last beverage at a restaurant or bar, so by strengthening these rules there's an opportunity to help reduce half of drunk driving occurrences in our County. Thank you for taking the time to address this very important issue and for the opportunity to testify this morning.

CHAIR SUGIMURA: Thank you. Any questions for Katie? Seeing none, thank you for being here. Garrett is next and he is from Maui Brewing Company, Garrett Marreno [sic].

MR. MARRERO: Marrero.

CHAIR SUGIMURA: Marrero.

MR. MARRERO: Aloha and good morning to Chair and Committee Members.

CHAIR SUGIMURA: Good morning.

MR. MARRERO: I would...I just want to start off to Maui Brewing Company was built on the idea of responsibility in the community, not just to community members but to the environment, sustainability, and et cetera. We certainly support reasonable legislation and definitely encourage responsible consumption that is first and foremost. I think it's...I'm definitely supportive of the ideas. I think a committee with stakeholders, both industry members as well as legislatures makes sense to have that discussion. So, I'm very supportive of that action, and we've actually talked about things like that in the past. It has been implied that there are rule changes are being proposed to benefit the liquor industry and as the one representative it seems of the liquor industry in the room today, I can tell you that we have not proposed any rule changes that benefit the liquor industry for A. And B, we also do not have a seat at this table that we keep hearing

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about, the Small Business Advisory Council [sic]. I would welcome that opportunity; however, on behalf of Maui Brewing Company, we are not there. I also came to clarify a couple things. There was talk in, I think, the last hearing about the standard drink and how Liquor Control seemingly in the testimony created this rule change to eliminate a standard drink, this is not the case. Liquor Control is directed by legislative action at the State level and was required to comply with SB 772, which was signed into law in July. The reason that that legislation came to be is because prior to that, especially in Maui County, you could have two pints of beer sitting in front of you, you could have two glasses, 16 ounce, actually there was no specific ounces, but we would serve four glasses for four ounce, tiny samples, so that you can select a beer you might like or maybe you just have the sampler and leave. So, we were actually cited for having twice as many glasses albeit half the beer for over service. Now, we worked very diligently with legislation as well as the Department and I just wanted to stand up on behalf of the Liquor Department in that regard in that this was not a rule change that they dictated; it was certainly legislative. Second on the standard drink, it's very difficult if not impossible to administer that. Alcohol by volume for beer across America ranges from 1.5 percent alcohol to 50 percent alcohol by volume. So, a standard drink of 12 or 16 ounces, I would advocate 16 if we had to have one is really irrelevant when you're talking about the true alcohol in that beer. Maui Brewing Company, most of our beers range between 3 and 8 percent alcohol with a few that might go above that, but I wanted to just let you know that the issue is far beyond just stating an ounce limit and also where some of those rules came from. So, I welcome the opportunity to offer my support to the community and any way that Maui Brewing Company can be a even more responsible community member. Thank you.

CHAIR SUGIMURA: Thank you for being here. Anyone have questions? Ms. King then --

COUNCILMEMBER KING: Thank you, Chair.

CHAIR SUGIMURA: --Tamara Paltin.

COUNCILMEMBER KING: Thanks for being here, Garrett.

MR. MARRERO: Thank you.

COUNCILMEMBER KING: And I agree that you are a very responsible restaurant and bar owner, so I appreciate that, and I have had that sampler, I haven't even be able to finish it actually because the, you know, too much for myself, but so I understand. I appreciate the concern about the actual issue of limit of glasses because there are different sizes of glasses. So, I just wanted to ask you if you, if we did end up being able to create a working group for these liquor laws that, the local ones at least, would you be available to be on it as a, you know, as one of the maybe, kind of, more moderate liquor distributors?

MR. MARRERO: Sure. I would find the time for the community, of course.

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COUNCILMEMBER KING: Okay. I appreciate that because I think we, I think there are, there's the industry and then there's the industry, so I think what people are complaining about is not the type of, you know, responsibility that you've displayed with your operations. So, the other thing that I wanted to ask you is as a liquor seller, would you support lowering the legal blood alcohol limit for drivers from .08 to .05? And, you know, I think it needs to be stated that this is not trying to limit what people can intake, it's what you can drive. It's what you can have in your system when you drive.

MR. MARRERO: Sure. I'm a pilot and so when I fly, I don't drink. You're not allowed to drink within eight hours or below .04 or above .04. I believe 0.0 is the right number for flying, for riding a motorcycle, for certain things. Now, driving, I think that's very difficult. I think our country has had a very different history in that regard. I think of Utah and I think of the legislation that they have passed trying in front of the Olympics to go to .05 and decimated tourism for a bit there because there was a probation, there was a article put into the paper it said that a beautiful lady in her ski bunny outfit said come on vacation, leave on probation. So, I think it has to be done responsibly. It has to be done with a lot of discussion. I think it would drive up the number of DUI arrests personally, and I don't know that it has a direct correlation. I personally would want to research that a lot further and do a deep dive with stakeholders in that regard.

COUNCILMEMBER KING: Okay.

MR. MARRERO: But in the short answer no. I would not support that at this time.

COUNCILMEMBER KING: Okay. Because it did pass in Utah and then apparently according to the police there was marked success with that as far as the number of alcohol-related deaths. So, that's kind of what we're looking at.

MR. MARRERO: I think, too, you know, if I was to be on that committee, I sit on the National Trade Guild Committee called the Brewers Association, I'm a board of director member there and this is an issue we talk about nearly every board meeting as well as government affairs committee meeting. So, I certainly bring, you know, the 50 states view to that situation.

COUNCILMEMBER KING: Okay, thank you.

MR. MARRERO: Yeah. Thank you.

CHAIR SUGIMURA: Thank you for that contribution.

MR. MARRERO: Of course.

CHAIR SUGIMURA: Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you for being here and giving us a different perspective on the issue. I just was wondering, you know, what the protocols are for your establishment when you believe somebody is intoxicated?

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MR. MARRERO: Well, we certainly stop serving them immediately. We pull drinks. All of our servers are trained beyond what's required by Maui County, and this is, you know, very high-level training as well as very detailed training and identifying, you know, what someone looks like when they've had either too much to drink or on the, under the influence of as we say other influences. So, of course, pulling drinks, offering rides, putting them in cabs even, whatever it takes on our own dime to make sure that they get home safe and that they aren't a hazard to others. Anecdotally, I'd like to say that as much as we are, I argue one of the most responsible licensees I would say in the industry, you know, we have put people in cabs and we've sent them to hotels and they catch Ubers or other cabs back and get in their car, and I am then held liable even though they've never set foot in the establishment. So, I think with, you know, issues surrounding tort law and responsibility of the service, I think, you know, the industry needs to be considered as well as safety of the community, of course, far more importantly, but when we do the right thing to put someone literally into their hotel and they somehow get back, I think, the issue is no longer ours. I think we need to not only educate licensees but Uber drivers, valets, the hotels calling the taxi for this person. You shouldn't be putting them into a cab anywhere. So, I think it goes so far beyond the simple over service and, you know, it's not an A and a B. I think it's a very wide discussion that starts to put its fingers into a lot of different areas. This is why I'd love to be a part of that committee.

COUNCILMEMBER PALTIN: Yeah. I mean, I don't know how the valet or the concierge or whoever would know that they're going back to their car to drive it, they could be like going to get more --

MR. MARRERO: To get another drink.

COUNCILMEMBER PALTIN: --food or whatever, getting another drink. But within the industry, like how you say that you guys are one of the more responsible ones and I don't dispute that at all, are you aware of other members in the industry that don't have the type of reputation?

MR. MARRERO: Yeah. I think we all know who they are and I think that the industry could definitely benefit from better education and enforcement, so.

COUNCILMEMBER PALTIN: And then, so as a member of an industry knowing that others in the industry are not being responsible, what do you feel is your role in self-policing the industry as a whole so that you folks don't get the bad rap?

MR. MARRERO: Well, I think we lead by example, and we hold ourselves to a higher standard than the law requires. It is why we're successful and have been here for nearly 15 years on Maui and have grown from 23 team members to over 800 within the State of Hawaii, brewing 300 barrels of beer in 2005 to more than 60,000 barrels this year, sold on just Maui to now 23 states and 4 countries with 4 restaurants throughout the State of Hawaii as opposed to just 1. The reason that we've had that success beyond the community driven sustainability quality, innovation, authenticity is because we hold ourselves to

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that high standard and refuse to be, refuse to get that incremental sale but put people at risk.

COUNCILMEMBER PALTIN: And can you share your physical locations on Maui?

MR. MARRERO: On Maui, we have our original location in Kahana, that's in the Kahana Gateway Center, we've been there for it'll be in January will be 15 years in business, then we have our Kihei production brewery and restaurant in the Research and Technology Park. Sorry about that.

COUNCILMEMBER PALTIN: And you follow all the laws and...

MR. MARRERO: Yes. I believe so. You know, we have had incidents. You know, unfortunately, you know, we have had, I believe, two incidents that one was a overservice, which was interesting because we could prove that it was a one pint of beer the person was served while eating a half rack of ribs, and this is going back 12 years, 14 years ago something along those lines. There was a period of hours between when he left our establishment and was in an accident, yet, we were still held liable. We were the last place you could peg him. Rumor was he was pounding shots while doing laundry at the Laundromat, but that wasn't provable. The second one, we did have someone who we put in the cab and got into an accident when they came back to get their car. We proved that they had one beverage, one beer, exhibited behavior that was other than beer and was removed from the location, put in a cab and sent home. We took the responsibility for those incidents and paid the fines and those are, of course, outlier situations that were not directly correlated to the staff doing something wrong, but in fact, the staff upholding the rules even to our own detriment.

COUNCILMEMBER PALTIN: And all of their laws such as zoning and whatnot, you follow all of them?

MR. MARRERO: Of course, yeah.

COUNCILMEMBER PALTIN: Okay. Just checking.

MR. MARRERO: Yeah.

COUNCILMEMBER PALTIN: Okay, thanks.

MR. MARRERO: Thank you.

CHAIR SUGIMURA: Thank you very much for being here.

MR. MARRERO: Of course. Thank you.

CHAIR SUGIMURA: Yeah. Next testifier is Kerith Harding.

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MS. HARDING: Good morning. My name's Kerith Harding. I'm the pastor of St. John's Episcopal Church in Kula. I'm speaking both as a pastor and as a mother as you can see this is my daughter Maddie, who is not actually shy but is just pretending to be right now. I'm here to request that the County Councilmembers create a resolution or some other official sort of request on behalf of the Committee that specifically requests that the Liquor Commission create the work group that others have been talking about to look at both issues of over service enforcement and beverage server training rules. Because I work in the Keokea area all day, I am frequently driving down after work hours either within Kula or down to Pukalani to do some grocery shopping, and I can tell you that on at least maybe four or five occasions in the last few years I have been behind someone who very obviously had been drinking. You know you can kind of tell the difference between who's texting and who was drinking and sometimes they're going to the same store that I am except for I'm going to get ice cream and they're obviously going to get beer or whatever their drinking. And frankly, I don't know what to do in those situations. It's really disturbing particularly when I have my daughter with me. Sometimes I just pull over to give myself some space between me and them. Sometimes, out of curiosity I bet are they going to this store or are they going to go further down the hill. I'm usually right and I'll go in and see what they're purchasing and then they leave again. But, you know, we're way up there in Kula and I think to myself should I be calling the police about this but they're going to be in and out before the police could possibly arrive. So, anyway, it's a real concern when you see drunk driving and you see that somebody is selling this guy more to drink when it's pretty obvious. So, that's why I'm particularly concerned about server training, both within restaurants but folks who are working at small stores or larger stores, Longs and Foodland and such like that, so that they know what to do when they encounter a situation like this. I've never worked in a position like that, so I suspect it must be very uncomfortable when someone walks up who's been drinking and wants to buy another six pack of beer. But to put them back on the road with that is just, it really troubles me and so I know that there have to be some gold standard rules for server training in this country. I know that the Maui Coalition for a Drug-Free Youth would love to help the Liquor Commission take a look at those rules, and just see how we can improve them for the safety of our community. Thank you.

CHAIR SUGIMURA: Thank you, Pastor Kerith. Anyone have questions for her? Seeing none, thank you very much. Thank you for being here, Maddie. Do we have any...looks like we have Jasee Law coming to the podium. Don't forget to sign up at the front desk.

MR. LAW: Okay. Thank you all for being here. Xie xie and dobroye utro, thank you, Chairwoman King, I mean...yes, thank you, yeah, for saying that 'cause it reminded me that we have to think about transportation in a larger sense than just roads. So, Yuki Lei, here's something you can chew on is the planes too, you know, that there the tours and stuff slowing down is stuff we need to pay more attention to travel from Russia and from China. So --

CHAIR SUGIMURA: Airplanes.

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MR. LAW: --but more closer to home, Yuki Lei, and thank you, Reverend Harding, for coming here, I don't drink and I don't...I got to admit I did drink and drive like one time, but I was only about a mile from home, but it was a straight road and I couldn't even stay in between the lines, and so please don't drink and drive. But I did lose my license for smoking pakalolo though. So, Yuki Lei, if you could somehow, I know there's like some stipulations between County roads and State roads, but if you could put some kind of signs or talk to the people in the State and get some people to slow down on your road there coming around that curve up towards Morihara Store but also on Kula Highway going around the bend there by Kula Park. Thanks everybody, aloha.

CHAIR SUGIMURA: Thank you. Any questions for Mr. Law? Seeing none, thank you. That's the last testifier we have here. At this time, I'd like to take District Offices and we have two testifiers in Hana. Mavis Medeiros, do you have testifiers? You have two testifiers. Mavis?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair. This is Mavis from the Hana Office. I have two testifiers. One is testifying on MT-30 and the other on MT-10(8). So, here's the first testifier, Johnnie Oliveira.

MS. OLIVEIRA: Aloha, good morning. My name is Johnnie Oliveira. I'm the Hana Branch Manager for Maui Economic Opportunity and I'm testifying on MT-30. So, we with the Hana MEO, we supply transportation to Kahului and back five days a week, Monday through Friday. So, on the way back, we are on the Hana Highway between 1:00 and 3:30 and we find that there's a lot of traffic, a lot of illegal parking, and the illegal parking makes it so hard to get through sometimes. We worry about kids running through cars and just on, you know, we always be aware of all that, but sometimes parents they kind of let their kids go before them and kids are not, they don't always remember to be aware of their surroundings and aware of cars coming and going past them. So, illegal parking is a big concern and issue on our Hana Highway. Also, sometimes there's a whole line of cars, so if we can somehow provide some kind of sign or something but not to damage the look our Hana Highway just letting people know of pull-out areas to let vehicles pass if there's a whole line of vehicles behind them, that would help. And then there's a new tourist spot like within a mile on the Hana side of Puua Kaa and there's like cave that, for some reason, I don't know who found, but a lot of cars stop there and it's literally like a step right off the road and the problem is because of that is literally a step back on the road and the vehicles, like my drivers are sometimes startled because people coming out of the caves, they, you cannot see them coming because they're just coming right out of the caves and then onto the roads. So, that cave is an issue. I don't know if there's some way to block the caves so that no longer is available. So, that is our, pretty much our main concerns, just illegal parking and congestion, and those type of things. So, thank you for your time. Aloha.

CHAIR SUGIMURA: Thank you. Any questions for the testifier? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Johnnie.

CHAIR SUGIMURA: Wait.



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MS. OLIVEIRA-MEDEIROS: Okay, we have --

COUNCILMEMBER SINENCI: Thank you...

MS. OLIVEIRA-MEDEIROS: --Jasmine Min [sic] --

CHAIR SUGIMURA: One moment, we have questions for Johnnie Oliveira.

COUNCILMEMBER SINENCI: Thank you, Johnnie, for your testimony.

MS. OLIVEIRA-MEDEIROS: --testifying on MT-10(8). Oh, did you guys have questions?

CHAIR SUGIMURA: Yeah. We have a question for Johnnie. Shane and Tamara has questions.

COUNCILMEMBER SINENCI: I just wanted to thank Ms. Oliveira. She called the office...

MS. OLIVEIRA: Any questions for me?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER SINENCI: Thank you, Johnnie, for your testimony. I just wanted to say that that cave is near mile marker 23 when I came out and I looked where that cave was. So, I just...

MS. OLIVEIRA: I believe it's around mile marker 23, maybe 22, but around there, yes.

COUNCILMEMBER SINENCI: Yeah.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER SINENCI: Thank you.

MS. OLIVEIRA: Thank you.

CHAIR SUGIMURA: Wait, one more question. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Johnnie, for your testimony. I just was wondering if you knew if the cave was public property or private property?

MS. OLIVEIRA-MEDEIROS: We can hardly hear you guys.

CHAIR SUGIMURA: Oh. Is the...

MS. OLIVEIRA-MEDEIROS: You have more questions for Johnnie?

CHAIR SUGIMURA: Is the cave public or private property, was the question.

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MS. OLIVEIRA-MEDEIROS: Tamara?

COUNCILMEMBER PALTIN: Yeah. I was wondering if it's public or private property, the cave, mile marker.

MS. OLIVEIRA: Sorry. What was that?

COUNCILMEMBER PALTIN: Is the location that you're talking about, do you know if it's public property or private property?

MS. OLIVEIRA: My guess is public. It's like right there on the side of the road. So, my guess is it's public.

CHAIR SUGIMURA: We can check.

COUNCILMEMBER PALTIN: Okay, thank you.

MS. OLIVEIRA: It's like a step right off the Hana Highway, like literally the cave is right there.

COUNCILMEMBER PALTIN: So, might be State property since it's off the State highway.

MS. OLIVEIRA: Probably yes.

CHAIR SUGIMURA: Thank you. Thank you.

MS. OLIVEIRA: We can barely hear, sorry.

CHAIR SUGIMURA: Next testifier.

MS. KING: Aloha, my name is Jasmine King and, to correct, I'm here to testify on MT-30 on specifically the East Maui safety for the highway. I submitted a letter in support of some type of relief for Hana before in pointing out that through the unofficial studies that has been done, there's over a thousand tourists on our roadways on a daily basis taking into account that this small community only consists of approximately the same amount of people but not all of them drive every day, most of them are at work and school. So, really, the brunt of the burden is from the tourism industry and should be considered that way. I am very much in support of signage on five-plus cars pulling off. As Johnnie mentioned that's also going to require signage on where the pull offs are. And if this is through an ordinance, what is the penalty for not doing this? I believe that will help for the tourists who do come here to respect the community and the land. I believe that will help but we have to consider there are many tourists who do not come here with respect in mind and as the tourism numbers grow, this mass mentality seems to be taking over. I'm not a lifelong Hana resident but for the past ten years have seen this upswing in very crude tourist behavior, even when there are signs. I was just on a short drive with my infant informing someone that they were parked under a no parking sign and two people flipped me off. This is just a small anecdote. It happens constantly. So,

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what I'd like to point out is that the calculations used to determine police and emergency services in Hana do not account for the mass flow of tourists on a daily basis. We only have as our Hana police officers are quick to point out two officers on duty at all times to cover the entire East Maui region and their priorities typically are not parking infractions. So, that number doesn't reflect our population when you count the tourism. There's also I would consider a de facto policy of police to not overly burden tourist with types of citations that involve court dates. I think, you know, being that we're here talking about alcohol it's also worth considering that this occurs with alcohol related driving incidents as well because who wants to create that kind of a bad, you know, appearance for Maui as a tourism destination. Well, unfortunately, we've reached the tipping point where however, you know, awful it may seem to ruin somebody's vacation, there's also the need for tourist to respect the local community. And without this police assistance, there's increasing vigilantism going on a regular basis --

MS. ESPELETA: Three minutes.

MS. KING: --because there's no one else to help. The conflict is both on the roadways and in the community through illegal activities such as illegal camping and it's putting our community members in, you know, harm's way for their own reputations and careers. I think there needs to be something done by the County to overcome the fact that Hawaii Revised Statutes do not allow for people to call the police and report a traffic incident that such as a parking incident and allow the police to take action on it. So, without those things in mind, you know, vigilantism is just going continue to rise because these numbers are becoming overwhelming.

CHAIR SUGIMURA: Thank you.

MS. KING: Thank you. Mahalo.

CHAIR SUGIMURA: Thank you. Any questions for the testifier? Ms. King?

COUNCILMEMBER KING: Thank you.

CHAIR SUGIMURA: We have a question for you, please.

COUNCILMEMBER KING: Jasmine, are you still there?

CHAIR SUGIMURA: I guess not.

COUNCILMEMBER KING: Hello?

CHAIR SUGIMURA: They hung up.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: I don't know. It was unusual. Anyway, thank you.

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COUNCILMEMBER KING: Bad connection.

CHAIR SUGIMURA: Yeah, bad connection. Thank you very much. How about the other offices? Molokai Office?

MS. LINDO: Good morning, Chair.

CHAIR SUGIMURA: Good morning.

MS. LINDO: This is the Molokai District Office and there are no testifiers.

CHAIR SUGIMURA: Thank you, Zhantell. Lanai Office, Denise Fernandez?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR SUGIMURA: Thank you. Thank you very much. Any other testifiers in the Chamber? Seeing none, I'm going to close public testimony, Members, with your permission.

COUNCILMEMBERS: No objections.

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR SUGIMURA: Thank you. So, today we only have two items on our agenda. The first item MT-30, Promoting Roadway Safety on Two-Lane Roadways is actually a proposal from Member Shane Sinenci, and the second item, MT-10(8) on Roadway Safety, we have the Liquor Department here to talk to us and share with us information today. I'm grateful for that.

## **MT-30 PROMOTING TRAFFIC SAFETY ON TWO-LANE ROADWAYS (MISC)**

CHAIR SUGIMURA: Let's see, on the MT-30, Promoting Traffic Safety for Two-Lane Highways. This item was actually proposed in the GET, Mike Molina's Committee, as part of a HSAC, Hawaii State Association of Counties legislative package on August 20<sup>th</sup>, but the bill as it was discussed in that Committee it seemed like it needed more work on it and review, so it was referred to this Committee and today we have a presentation. First time we've had a presentation from a Member, so this is a first, Mr. Sinenci, and so you'll do a presentation first and then we'll take up the item. I also wanted to find out from you about passing out the bill. Did we pass out the bill?

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

CHAIR SUGIMURA: Oh, it's with the package, okay. So, the bill is passed out also with the...oh, I see it. And then, Mr. --

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COUNCILMEMBER KING: Chair, just point of...

CHAIR SUGIMURA: --Sinenci, you can direct us on what your wishes are after you do your presentation. Ms. King?

COUNCILMEMBER KING: Just a point of order. Are we allowed to vote on this legislation if there's nothing in the...it just says committee may discuss the matter, but are we allowed to...maybe Corp. Counsel can...can we take a vote on whether or not we want to send this legislation on through?

CHAIR SUGIMURA: Mr. Galazin?

MR. GALAZIN: Thank you, Chair. So, Council Chair King, if I understand your question when you're referring to just MT-30 voting on the...

COUNCILMEMBER KING: Anything, actually.

MR. GALAZIN: Well, voting on anything. Yeah, it's unclear to me just looking through the communication as what's been posted that there would be legislation available for this Committee to take today over, you know, I would have to look back at the committee report from the GET Committee just to see if there's anything specific in there that mentioned it. So, while you all discuss that, I can check on that.

COUNCILMEMBER KING: Okay. Just --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: --curious because the, Chair, October 10<sup>th</sup> is our next HSAC meeting, that's where we're going to be kind of finalizing all the legislation for the Statewide package.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR SUGIMURA: So, Mr. Galazin, I have the committee report here. Yeah. So, Mr. Sinenci, why don't you go ahead with your presentation.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair, and thanks for bringing, agendizing this on your, in your Committee. You know, as you know and listen to some of the testifiers this morning that the Hana Highway is a lifeline for our community, our rural community, and its, it connects us to Central Maui. And so, we're always travelling on the highway. And as you know, we've had with the increase of visitor, rental cars, and tour vans on a small two-lane road is definitely seen, it's the impacts especially with the community. So, next slide, please. So, it just, I just got a couple slides. This is just the State and County roads. So, the State portion of the road starts at Kaupakalua at mile marker 0 and then it goes to Hana Town towards the North Shore of the island.

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And then from Hana Town all the way up to Ulupalakua is the County section of the road. Next slide, please. Okay. So, some of the problems, a majority of main uses is for residents, from the residents side is travelling to work, doctor's appointments, school, dentist, shopping, businesses. A lot of our kupuna use the road, as Johnnie said, on MEO to come out to Central Maui to, for their doctor's appointments and if schools are travelling for athletics the buses will also be travelling on the road. As far as...we've also got a couple construction projects that are going on. We've got about four or five construction projects, so we're seeing more State and County workers on the road. And those project sites are only one lane, but during the business hours there's normally a flags person there that's conducting traffic. As far as the top visitor destinations, we have a State park, Waianapanapa State Park, and then a lot of, we're going talk later about tourist that are going to the Oheo National Parks in Kipahulu. Next slide, please. And so, in 2016 from the Hana Highway Regulations Survey, there was an average of over 2,000 vehicles a day in July that was going into Hana Town. And at the bottom, some of the promotional ads that you can find online or throughout the County. Next slide, please. So, some of the numbers that the national parks in Kipahulu and in July and August it's usually about 1,800 people per day; September, 1,150 people per day. And the cars, we just kind of average 2.5 per car, so just to the national parks, not all the traffic goes to the national parks, but the cars in July and August is 700, about 740 cars; September, about 460 cars, and in October and November, it goes down to about 320 cars just to the parks alone, one day, per day. Next slide, please. So, we definitely have a big problem that we need to take some action. The road, it was just an old...I remember as a kid it was a dirt road. When they finally paved the road, so it's with the added traffic, there's some, definitely some impacts. Next slide. So, having these, all of these things happen on the road is just creating some unsafe conditions that we've never seen before. So, there has been some road rage. Let's see, so just some of the main issues have been slow traffic holding up traffic flow, stopping at bridges or scenic points instead of pulling off the road, illegal parking that hinders traffic to access the bridge approaches, an increase in tour vans, and sometimes they'll empty out their patrons onto the highway to look at some scenic areas that we don't have any turnouts for, and then just creating the long car trains, sometimes up to 20 cars without the lead car pulling over. So, sometimes you'll be following these car trains and if you, you're lucky to squeak by them there might be in another two miles or so you'll hit another car train. So, there's about four or five of these car trains during the high peak hours that you'll hit if you're trying to get home or get to work. So, that has caused, you know, some frustration, some road rage on the residents' part, and some people even trying to overtake on short road spans or even around blind corners. So, it's definitely be getting to a dangerous point. Next slide, please. And so, the staff just found some of the...this is affecting other places throughout the country, so this, we made *The Sacramento Bee* news about bad behavior on our highway. Next slide. This was a Facebook page, some negative resident experiences and, you know, sometimes, you know, oftentimes, they, the residents would try to be helpful and sometimes mitigate traffic, but it doesn't always turn out well. And so, if they're trying to help people go by or hold traffic, we might get, like Jasmine said earlier, you know, some responses from visitors that are, don't want to take input well. Next slide. This was negative visitor experiences from Pennsylvania, road to divorce, I would rather get a root canal, we hated it, nerve wracking. So, these are some of the Trip Advisor things

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that are coming up online. Next slide. But there are some people that want to help visitors. This is GyPSy Guide trying to codify some common courtesy and they say at the bottom, holding up traffic on this winding stretch of road can cause chaos especially if drivers try to pass. So, be polite and earn some karma points by letting locals scoot by. So, that's just some of the people trying to...and this is outside of the State trying to warn visitors before they get here. Next slide. We talked about Haena Kauai, and so they recently, I guess, stopped the road according to the June *Civil Beat*. Communities of Wainiha and Haena are emerging from isolation with new regulations geared toward mitigating the crush of tourism at the area's most popular attraction. A redesign Haena State Park boasts experimental crowd control features including a 900 person daily visitor cap, and increased law enforcement, and has become a case studies in how to stave off over tourism, not only for the benefit of local residents and the delicate natural resources but for the enjoyment of the tourist themselves. So, Haena is also experiencing some of the same issues that we are in on the Hana Highway. Next slide. Another survey, 39 percent of residents stated that the slow visitor drivers not pulling over is the number one visitor nuisance. Next slide. So, the proposed law is just one tool, you know, and I think a lot of the concerns has been enforcement on this stretch of road. And I think for residents, you know, enforcement would be great, but I think we truly desire education prior to driving the road specifically about turnouts, where you can stop, where you can and cannot park. So, managing tourism on the Hana Highway. Next slide. There's already some similar laws used in other states, California, Oregon, Washington, Idaho, Nevada, and Delaware. Washington along the Pacific Coast Highway, there's the five car, because it's only two lanes, they'll actually have and they've got more room than we do, but they'll actually have turnouts where you can, if you've got five cars or more behind you, you can turn on to a slower lane and let others by. Next slide, please. California has a similar law. The five cars or more hold up that you're required to turn out onto some designated turn-out lanes. Next slide. And so, a turn out is a patch of pavement on the right side of the road. Slow drivers can just pull off the road and let faster drivers go by. It creates the legal duty to pull over and let drivers go by where there are number of drivers that want to go by. Next slide. And so, the turn out law is just one tool, again, education, visitor education before driving the highway. We've seen a lot of first-time drivers, too, try to drive the highway, too. So, a lot of foreign drivers from other countries, and so they mean well and they're, you know, nice slow drivers, it's just holding up traffic on the highway. So, we've met with Hawaii DOT, Department of Transportation, just for some better signage, where you can park, where you can't park, where upcoming bathroom facilities. I believe we have only three along the way, but we don't have any signs that say it's coming up or it's within a mile or within two miles. So, oftentimes, if people don't know where the bathroom is they'll just stop on the side along these turn outs and just do their business on the side the road, whereas right around the corner there might be the bathroom facilities. So, just simple, I think these are...the signage would really help to let people know and gauge their overall trip. The parking along some of the scenic bridges and waterfalls that tends to be a problem. If there are larger trucks, buses, or emergency vehicles, some of the parking will actually hinder larger emergency vehicles from approach, the approach onto some of these one-lane bridges. Next slide. And so, our proposed law was to upon a two-lane roadway where passing is unsafe because of traffic in the opposite direction or other condition, any vehicle proceeding upon the roadway behind which five or more

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vehicles are formed in a line, shall turn off the roadway at the nearest place designated as a turnout spot by signs erected by the authority having jurisdiction over the roadway or wherever sufficient area for the safe turnout exists in order to permit the vehicles following it to proceed. And I know some of the members said that, right, we're not always...normally, it's State properties or we would have to acquire the land along the roadways especially for County roads, but we do have areas where people turn out already. So, we'll...the residents, normally, if they're following some slow moving cars, they'll kind of honk a couple of times to let vehicles know that they're coming up on one of these turnouts already on the road. So, again, if visitors were educated about turnouts, I think it would really alleviate some of the traffic. Next slide. So, yes, today's purpose was just to...I know we didn't add this to the legislative package and this was just a first step. Again, we thank the Chair for bringing it up in her Committee. And if we can somehow add it to, I don't know, some, a County reso or something like that then we'll be happy to pursue.

CHAIR SUGIMURA: Thank you. So, you're looking to submit this to the Legislature in this...

COUNCILMEMBER SINENCI: Well, this wasn't accepted in the HSAC package.

CHAIR SUGIMURA: Yeah, we didn't...

COUNCILMEMBER SINENCI: I don't think the Members...I know Mr. Hokama thought, as far as a Statewide it might kind of have some problems with acquiring property along State highways throughout the State. So, that's why.

CHAIR SUGIMURA: So, that's why it got sent to the Committee for further discussion.

COUNCILMEMBER SINENCI: Right. And so, if we could do something as on a County level, we'd be open to it.

CHAIR SUGIMURA: So, would you be, and based upon what you said in your presentation, I think your initial intent was to add it to the HSAC package --

COUNCILMEMBER SINENCI: Correct.

CHAIR SUGIMURA: --that's why it was first talked about in the GET Committee, but today are you interested in not submitting it to the Legislature and just focusing on the Hana Highway?

COUNCILMEMBER SINENCI: Well, I'm, we, I'm open to, if possible, send it to HSAC and then if the other counties feel like they could use this, if they're experiencing the same thing in their counties, maybe it could be something that they adopt. But so I'd be willing to and have the other counties decide.

CHAIR SUGIMURA: So, you would like to propose it for the Legislature.

COUNCILMEMBER SINENCI: If the Members so choose.



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CHAIR SUGIMURA: Okay. Member King?

COUNCILMEMBER KING: Thank you, Chair. So, I think what we decided in the last meeting was that we would send this to the Committee for possible inclusion in the Maui Legislative Package. So, there's two separate packages. One is the HSAC, which is Statewide, issues that affect Statewide, and then the other, the other package is whatever we, Maui, chooses to put in that the other counties may not support. So, we can...we still have...and we can add legislation to the Maui County package at any time with, if we vote on it in the Maui County Council. We don't have to go back to HSAC for that, so that's the benefit of that. HSAC already has a measure, a number of legislative proposals that were due last Friday to HSAC, to the HSAC Board to review and will be reviewing them on the 10<sup>th</sup>, and then once the HSAC group decides which legislation we want to move forward, then we'll send it back to the counties for ratification. So, that's completely separate from the Maui Legislative package. As far as what this legislation, I think it does have to be State Legislation whether it goes to the Maui package or HSAC because it's a State road, it's a State highway that you're talking about. And so, if there's a, I guess, there needs to be kind of clarity whether you want this to apply to all roads, all two-lane roads, or State highways, or if it's, you know, I'm not sure what the intent of it is. I think it's all two-lane roads, which would mean it would have to go through State legislation. The State Legislature can tell us what to do on our two-lane roads, but we can't tell them what to do on the two-lane highways. So, that's kind of where we're at right now.

COUNCILMEMBER SINENCI: Yeah.

CHAIR SUGIMURA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR SUGIMURA: So, I guess, that's a really good question because do you want it to be...do you want us to focus on Hana Highway? Seems like that's what you talking about.

COUNCILMEMBER SINENCI: That's where it's coming from.

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER SINENCI: It's coming from my community, and so if it's, if other communities share the same sentiment or have the same issues, then we'll welcome them to hop on board, but if not, this is just because we are a rural community and Hana Highway is our lifeline, we want to make sure that evacuation or access is, you know, open to visitors and residents alike.

CHAIR SUGIMURA: Okay. So...

COUNCILMEMBER KING: So, yeah, I guess the...that if we're focusing on Hana Highway, which is, you know, when I brought this up at the previous HSAC meeting, they saw it

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as a Hana Highway thing and they didn't want to make it a Statewide issue. But if it's a matter of us trying to put regulations on our State highway, I'm not sure what the, if we can do that outside of the State Legislature, but I think that's the actual goal is to effect this requirement, the pass on using, the requirement, the legality of the turnouts.

COUNCILMEMBER SINENCI: And, Chair?

COUNCILMEMBER KING: Yeah, I'm not sure. Maybe Mr. Galazin has, can give...

CHAIR SUGIMURA: Mr. Sinenci, you have a comment?

COUNCILMEMBER SINENCI: Well, and just to comment that the south side of the road is actual County roads so from past Kipahulu, Kaupo, and up to Ulupalakua, those are County-regulated roads.

COUNCILMEMBER KING: Oh, okay. Is that problem exist down in that area as well?

COUNCILMEMBER SINENCI: Yes.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Okay, thank you. Mr. Hokama?

VICE-CHAIR HOKAMA: I would just maybe for my colleague's consideration, Mr. Sinenci, I find this to be a unique situation. Yeah, there's other State two-lane roads but Hana is unique. It's a Federally recognized heritage highway that is very definite physical limitations on flexibility of how we can and do what with that highway. So, I would say maybe Mr. Sinenci would focus it more to have the bill just be specific about Hana Highway 'cause I think it has enough unique attributes that the legislation can be specific and create the bill to be a Maui package, Mr. Sinenci, because I think then Mr. English and Ms. DeCoite can give it the due focus and priority as our district members to make that their district priority, one of their key district priorities. So, that would be my suggestion to Mr. Sinenci and have it introduced accordingly. Thank you.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR SUGIMURA: Mr. Sinenci? Okay. Ms. Tamara Paltin?

COUNCILMEMBER PALTIN: Oh, thank you, Chair. I was just wondering because we have Robin Shishido in the audience, I was wondering if we can get any comment from him and if he sees this as a problem --

CHAIR SUGIMURA: Yeah.

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COUNCILMEMBER PALTIN: --and if he does, what actions they're taking to remedy it presently and if he think, what his opinion on the matter is.

CHAIR SUGIMURA: Okay, thank you. Yeah, Mr. Shishido can come down. Thank you very much. So, you were passed out the proposed resolution, this is from Mr. Sinenci, and attached to that is his bill that talks about this and...okay, let's hear from Mr. Shishido. Thank you, Robin, for being here. Can you talk to us about Hana Highway and some of the discussions that you heard today?

MR. SHISHIDO: Yeah. Thank you for having me here. So, as Councilmember Sinenci mentioned, we did meet with his office, so we do have our maintenance crews, they will be installing the signs for, you know, bathrooms ahead. They're also going to be installing signs for slower vehicles to pull over. At this time, we're not going to designate or identify exact pullouts, and I think a lot of the pullouts or majority of 'em, they're not on State DOT property, you know, they're on either DLNR or might even be private property. So, right now, we just, you know, have the slower vehicle pullover signs. As far as the general parking in the area, I mean, we do have areas with no parking signs and, you know, we worked with MPD as far as enforcement, you know, when we're, when we've got complaints and things like that. At some of the waterfalls, you know, like Waikani, we did install those delineators to prevent the parking. At Waikamoi, that was also requested, but because of the tight radius, we weren't able, we're not going to be able to install the delineators like we did in Waikani, but I think before and after we can do something to at least help prevent that portion of it. And, you know, Twin Falls area, it's another area with, you know, a lot of parking issues because of the fruit stand in there, so we've been talking with the owners over there and, you know, ensuring that they provide enough and we also, you know, upkeep our signs. As far as legislation requiring cars to pull over, you know, I think like you say it has to go through the State because it is a State highway. And whether or not you can make it specific to Hana Highway, I think it would be difficult, but, you know, I think because of the, maybe the historic district, you know, that was mentioned, it could be.

CHAIR SUGIMURA: So, what are delineators? What do you mean by that?

MR. SHISHIDO: The delineators, those tough . . . *(inaudible)*. . . , you know, three or four foot tall, those sticks.

COUNCILMEMBER SINENCI: Plastic.

MR. SHISHIDO: The candlesticks, I guess they kind of call 'em --

CHAIR SUGIMURA: Oh, oh, those.

MR. SHISHIDO: --on the roads.

COUNCILMEMBER SINENCI: Yeah, those things were really helpful. I mean, they just put up, you know, maybe 100 of 'em and that kept the parking, because when visitors were parking, there was only one lane and it created a gridlock at those bridge approaches.

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So, thank you, Mr. Shishido, for doing that. And I just wanted to add, you know, in the Mayor's, well, with the MPO, Metropolitan Planning Organization, one of the long range transportation plans, and this is from the Mayor's Office to possibly look at including some type of reservation system similar to the Haena State Park on Kauai as an alternative to keeping those numbers down. So, I mean, I think we have some representatives from the Mayor's Office, but everybody's trying to help, so we appreciate it. Mahalo.

CHAIR SUGIMURA: The problem is being noticed.

COUNCILMEMBER SINENCI: Yes.

CHAIR SUGIMURA: So, I think, well, last week the Mayor had a press conference of which...did we pass out the press release? Okay. So, everybody has that and it basically talks about Mayor had a press conference endorsing the tourism group recommendations, which we've been hearing about. Terryl Vencl, who's in the audience as well as we have Sherry Duong from MVB here just kind of listening in, but one of the things that are mentioned here on the last item is manage visitor traffic and parking along the Hana Highway with better signage and better illegal parking enforcement. So, their thought going into this also from the Mayor's side. Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah, I just had a question for Mr. Shishido. So, for those pullouts along the State highway, that's under Department of Land and Natural Resources, could we technically pursue getting easements for those types of...cause those turnouts are already paved, yeah. Is that an option?

MR. SHISHIDO: Yeah. I think you could ask DLNR for easements and, like you said, I think over time because they just have become pullouts or turnouts they have been paved when roadway work was done. But if it could add, you know, getting back to the situation in Kauai with Haena Park, so in that one, I believe the park is at the end of a State roadway. So, that's why they were able to turn over that portion of the roadway to DLNR, and because it's a park, then they could block and limit. You know, Hana Highway, it's the, you know, roadway that goes continuous connecting to the County coming back around, so I think it's a little bit different situation.

COUNCILMEMBER SINENCI: Yeah, you know...they're coming to the State park, Waianapanapa State Park, and that has really, that place there's no parking and I think there's only one or, one bathroom that cannot take the numbers. The other thing is the national parks in Kipahulu. And I know that there's an online reservation system in place for Haleakala, mainly because of the parking up on the mountain, but when we're looking at numbers during July and August coming through, 'cause you need to get through our community to get to the national parks, and so, I mean, if...we'll definitely look into a similar system for Kipahulu National Park, so especially when there's, you know, 2, 3,000 cars coming through our neighborhood to get to the national parks.

CHAIR SUGIMURA: Mr. Sinenci, have you talked to the businesses in Hana? Have you gotten impact from them, input from them?

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COUNCILMEMBER SINENCI: We've definitely seen a spike in fruit stands and lunch wagons. We've got, I don't know, maybe, 50 of 'em now because of the added traffic, and so that's another issue that keeps, you know, traffic to people who pull over for some fruit stands. And so, you know, residents are trying to cash in on the added traffic but, you know, not knowing that sometimes it's also adding to the problem.

CHAIR SUGIMURA: So, what about the businesses in Hana Town? So, let's say, if we were to stop or try to deter lot of the businesses from, or visitors from coming over, have you talked to them about this also?

COUNCILMEMBER SINENCI: I think with the fruit stands and the lunch wagons, many of the businesses are starting to lose money because of these roadside attractions that have just kind of popped up. So, they're competing for, you know, for all the drivers that come through the community.

CHAIR SUGIMURA: So, it's another problem.

COUNCILMEMBER SINENCI: It's another...

CHAIR SUGIMURA: That's something different.

COUNCILMEMBER SINENCI: It's another...yeah.

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Members...Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So, I wanted to ask Mr. Sinenci, first of all, do...so the original whatever the roadside, original roadside businesses seem they're now having a lot of competition, but is there a requirement for them to have parking, any of the roadside businesses that are out there? Do you know? Because...

COUNCILMEMBER SINENCI: I'm not sure.

COUNCILMEMBER KING: So, I think that's the problem is they should have their own parking if they're going to create a place to stop. But the other thing I wanted to ask you is what would be the benefit of getting, of taking over the easements of DLNR's pullouts if they're already maintaining them, they're already paved, what would be the benefit of the County taking those over, 'cause then we would have to maintain them and we would have to regulate them?

COUNCILMEMBER SINENCI: You know, some tourists use it already for turn outs. We use it for turn outs. Residents will actually pull over for faster traffic. If people are coming up behind you, the residents will actually turn out and use these turnouts, so we're already using 'em, so it'll probably just be for, you know, legal purposes, or if we need to put additional signage or striping.

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COUNCILMEMBER KING: Okay. Or, you know, maybe what we're trying to do is ask the State to put up additional signage to notice them, because, you know, if the State is already, maybe Mr. Shishido knows, you're already as the State, I don't know if it's you or DLNR maintaining the pullouts and I know there's sign at the pullouts or sometimes just before them. But is there any benefit to the County to...I know there's a benefit to the State 'cause we would take over your job of maintenance, but what would be the benefit to the County of taking over those easements?

MR. SHISHIDO: I guess the only benefit as Councilmember Sinenci mentioned you guys have more control over it and what you can, you can officially designate them as pullouts along the highway.

COUNCILMEMBER KING: Okay. But if we were going to put signs to let people know that there's a pullout coming out, that would have to go on State property, wouldn't it? It's still on the State highway.

MR. SHISHIDO: Correct. And so, right now, we're just looking at putting up signs that says slower vehicles pull over, not necessarily designating a area for them or pullouts on it to pull over.

COUNCILMEMBER KING: Okay. But we...but, oh, pull over at the pullout.

MR. SHISHIDO: Just pull over, yeah.

COUNCILMEMBER KING: Okay. 'Cause I thought that was part of the problem is too many people pulling over and that's keeping people from being able to drive. I mean, we want them to pull over, I think, at the pullouts, right? Is that what this...that's what this legislation is.

COUNCILMEMBER SINENCI: So, some of these pullouts are filled with abandoned vehicles.

CHAIR SUGIMURA: Oh my god.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: So, you know...

COUNCILMEMBER KING: That is our problem then.

CHAIR SUGIMURA: By listening to this discussion, Mr. Shishido, do you have like a map that you could provide us that shows where all the pullouts are and where the restrooms are and, or can you help us with that? 'Cause in order to make this decision, we're kind of looking at each other like with various questions. It would be nice if we had something definitive.

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MR. SHISHIDO: Yeah, I can look at our last set of our resurfacing plans. We should have those areas.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: Wow, that'll be great.

CHAIR SUGIMURA: And then you'll know who owns the land, like, DLNR or you or the County?

MR. SHISHIDO: I'm pretty sure it's not State DOT. I think our right-of-way barely goes outside the paved roadway. But, yeah, we can provide that.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: But are all the signs that are up that designate the turnouts or designate the restrooms, are those all State DOT signs?

MR. SHISHIDO: Yes, they will be State DOT signs.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Okay, thank you. Mr. Hokama had a question.

VICE-CHAIR HOKAMA: I just was going to say, I think we have time, because I'm sure we want to hear from Liquor Department this morning, Chair.

CHAIR SUGIMURA: Yeah. We do.

VICE-CHAIR HOKAMA: But since you have some of your resources from Mayor's Office, I think would be great to have a comment or two from them.

CHAIR SUGIMURA: Can. Okay.

VICE-CHAIR HOKAMA: Because I don't see what's so hard. Okay. We know we get one problem. It's going to get worse with us doing nothing. So, like other destination areas, we should work with the State, design where the turnouts should be, construct it, and it may be an inconvenience 'cause the current turnouts may not be existing in the future because of safety and other concerns. But, you know, it's a doable thing. I think one of the things that we heard or that Mr. Suzuki [sic] deals with at the County is he deals with cells, okay, DLNR is a cell with DOT, DOT has three cells, airports, harbors, highways, right. So, obviously they having problems working through departmental and interdivisional areas. I think we can help in those areas and I think we need to get Public Works, 'cause one thing we cannot forget, there's Federal monies already in these roads. If you think the Federal Highways is not gonna have a say, we're mistaken. So, I think we should hear from your resources at your pleasure.

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CHAIR SUGIMURA: Yeah. So, I'm going to take a short recess, and then I'm gonna ask maybe if Mayor's Office can come down to comment on this, and I have Rowena Dagdag-Andaya from Public Works, and is Police also here to talk about this item?

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

CHAIR SUGIMURA: Okay. Okay, good. If you could come down? I'm gonna call, like, a short recess, so we'll reconvene at 7...not 7:40, 10:45. . . . *(gavel)* . . .

**RECESS: 10:37 a.m.**

**RECONVENE: 10:45 a.m.**

CHAIR SUGIMURA: . . . *(gavel)* . . . ...the Multimodal Transportation Committee. I want to finish this section off. It's such good discussion, but I can tell where we're going that we're, we need more information. So, we got...thank you very much, Robin, for being here. I tried to get him here and I've had conflicts because of your busy schedule, and I know every time we call you for community things you always show up, so I appreciate that. We have Public Works, and we have, I want to say your right title, is it officer, sergeant, lieutenant, Hankins here. Lieutenant, okay, also. So, if you want to give us a brief comment as well as Ms. Vencl from the Mayor's Office. What I would like to do, Members, on this is try to get more facts, so that we can reappear at another meeting and get what, I think what Member Sinenci is trying to do is, kind of, focus on more plans for Hana Highway and looking at what we heard at HCPO, what Haena National Park did or State Park did, and got control over the over tourism. So, thank you very much. At this time, Member Kama, thank you for being here.

COUNCILMEMBER KAMA: Thank you, Chair, and good morning.

CHAIR SUGIMURA: Thank you. I know you were at a planning meeting, so thank you very much for making the time to come.

COUNCILMEMBER KAMA: Thank you.

CHAIR SUGIMURA: So, Ms. Vencl, you want to talk about your tourism group and your goal as it relates to this item?

MS. VENCL: Aloha. Aloha, Councilmembers, Madam Chair. As you know, there was a press conference last week and one of the items that was mentioned was the Hana Highway situation. I can tell you that as this now what will be a permanent tourism advisory committee comes forth, it will be their job and our job to try to figure out how to make some of these things and these suggestions happen for us. I'm enlightened as well as happy to hear and see this presentation this morning, because many things that have been talked about in our group sessions have really been about Hana Highway. And so, some of the things, most of the things, that were brought up today have been discussed. And what I see and hear today is that, obviously, there are many jurisdictions that appears on this highway, and so we're going to need to figure out and



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work with the different agencies and State and County folks in order to make this better for not just the residents but visitors and all of us. So, we will be delving much further into this particular situation as we move forward. But I can tell you that it's, it rises to the top --

CHAIR SUGIMURA: Thank you.

MS. VENCL: --of one of the most important things that we need to do and to work on.

CHAIR SUGIMURA: Thank you. Very important. Next, Rowena Dagdag-Andaya.

MS. DAGDAG-ANDAYA: Thank you, Chair. And I appreciate the comments that were made today. My...coming into this meeting I wasn't quite sure how to prepare for it, but I get a better understanding of what the issues are being experienced in East Maui, and I just wanted to also support the ideas that are coming from this Committee. I picked up on what Councilmember Hokama had mentioned earlier as well about identifying the areas for the pullout, the turnout around areas, and how we could utilize Federal funds for Hana Highway and other areas that are qualified for Federal funding perhaps to work with the MPO and find ways to improve safety and parking in these highly, or high traffic areas. You know, while listening to the discussion, I remember or recall that there might be language in the existing Maui Island Plan and in the existing East Maui Community Plan about providing these types of areas for safety improvements, especially as it impacts or especially resulting from tourist impacts. So, I would like to be a part of that discussion and continue that dialog with community members. I'm happy that the Mayor had the press conference last week regarding the plan moving or a plan moving forward in addressing these impacts. So, meeting with community agencies, State agencies, law enforcement, we'll need a facilitator to, kind of, bring everybody together much like how I think that one State Representative from Kauai what she did in bringing the community together to discuss these issues. So, again, I hope to be a part of that discussion as well.

CHAIR SUGIMURA: Excellent. Lieutenant Hankins?

MR. HANKINS: Yeah. For the last four years, I've been the commander for the Hana District, so I know that roadway probably better than almost everybody in this room with the exception of Shane. Yeah, there's a problem out there. There's a definite problem and it's not so much the pulling over. It's a combination of volume, it's a combination of the parking in the turnouts and, of course, just the lack of education of how to drive that highway. You know, enforcement wise, I was talking to Councilmember Sinenci on the break, we used to put officers out there on special assignment when we had extra guys to go do parking enforcement and we would go out to Waikani Falls and we'd cite and then we'd wait and ten minutes later it'd fill back up and this is what's happening along the entire highway on multiple turnouts. I mean, there's places out there when I first started working in the district I didn't even know existed, and people it's all over social media now, and it's becoming a parking lot. So, we would support anything to make the highway safer. As far as education goes, I think that is the primary focus is to what needs to be done. People need to be educated on how to drive the highway, when the

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best time is to drive the highway, most of the locals will come in and out. I used to come in and out three, four o'clock in the morning because there's nobody on the road. That might not be practical for somebody who has to come out of Hana, a lot the kupuna who have doctor's appointments and things like that, and then to add to that when there are special events or marathons or anything like that along that highway. It's...it become impassable. So, yeah, we would support anything that would make the roadway safer. Signage, it's a delicate balance between having too much signage up there, where you deter from the natural beauty of what's actually available. So, when we did the delineators out there, we talked to the community. And I think before we start putting a whole bunch more signs up, we need to make sure that the community's aware of what's going on and keep them in the loop.

CHAIR SUGIMURA: Excellent. Okay. You're another valuable resource then. So, so far, we have one, two, three, four, Shane, five. Anybody else have any comments? Mr. Hokama?

VICE-CHAIR HOKAMA: Yeah. I'd like their final recommendation by December. I think that's doable. By then, we'll know what to have Mr. Sinenci consider for any CIP requirements in his legislation as well as what we expect the Mayor to submit in his first budget.

CHAIR SUGIMURA: Oh, excellent comment. Are you okay with that, Mr. Sinenci? So, Mister...Terryl, I think what is being asked is do you think by December your tourism group can get the players together who you decide and by December give us some kind of recommendations, so that we as the Council, in case we need to support any funding recommendations for the next budget, we would be ready. Is that something that you could possibly pull together and...

MS. VENCL: I certainly hope so. We know budget's coming around the corner, and so there are things that may require budget. And if we find those things and we decide on those things, then certainly we need to get that information to you folks as soon as we can. So, yes, I hope that this Committee will be together very short order and this may be one of the things that we need to talk about first on the list.

CHAIR SUGIMURA: Thank you. Thank you for your commitment. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And just to add that the Mayor will be coming out on October 28 for his budget hearings in Hana, so we could begin there.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR SUGIMURA: You'll hear from the community also. So, Members, I'm gonna close out...Ms. Kama, do you have questions for this? No. Okay. I'm gonna close out this section and transition to the next item on the agenda. I think Lieutenant Hankins, you can stay, as well as Robin Shishido, if you don't mind. Rowena Dagdag, would you have input for the next...okay. So, thank you, Terryl, and thank you, Rowena. I'm going to

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close out this section. I'm going to defer it and we can talk about it again. But before I do and close, does Corp. Counsel have any comment about how our next steps should be?

MR. GALAZIN: Thank you, Chair. Yeah, as I look at it, it sounds from the discussion what's being contemplated is something that's sort of still influx and may ultimately be somewhat fundamentally different than what's been proposed. So, as long as, you know, proposed legislation can be crafted and posted and put on, you know, an agenda for discussion, then that can be something that this body can look at. And hopefully, I think with a group meeting outside, we should discuss some of these concerns and try and figure out the best way to craft that language, that's something they can come back, and then you folks can act on it.

CHAIR SUGIMURA: Okay, thank you. From the discussion I heard today from what Member Hokama was suggesting for legislative package, if we can change your resolution or revise it so that it'll reflect Hana Highway, and then, of course, you have Kalani English and Lynn DeCoite, who are your representatives at the Legislature who could support it, but let's recraft this so it actually says what you're trying to get to for your highway.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you to the Members.

CHAIR SUGIMURA: Okay. Thank you. And then we heard from the Mayor's Office that they'll try to get together. The people here and look at that item for Hana Highway, and see if you can come up with recommendations so that we can support you if you need anything for the Hana Highway through the CIP budget.

COUNCILMEMBER SINENCI: Yes, I believe Ms. Vencel will be addressing my community October 10<sup>th</sup>.

CHAIR SUGIMURA: Oh, very good. Oh, okay. You already have things in motion. Very good. I really want to hear what Hasegawa General Store has to say about this too. So, if you could talk to Neil.

COUNCILMEMBER SINENCI: Yeah, I'll tell Neil.

CHAIR SUGIMURA: Yeah, please do, 'cause I think that they're...like a First Hawaiian Bank is in your town or different fixed businesses that are there and I wonder, I just want to make sure that they're aware. So, I'm gonna defer this for later for more discussions, Member, and we'll get a revised bill from you. We can or cannot include it with depending on what we end up with, Ms. King, include it with the Maui Legislative Package. So, we'll wait to see what Member Sinenci comes up with.

COUNCILMEMBER KING: Yeah, we can certainly look at this for the Maui Legislative Package.

CHAIR SUGIMURA: Okay. Alright, Members, I'm gonna defer this item. Thank you, everybody, and we'll change out to the next item.

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COUNCILMEMBERS VOICED NO OBJECTIONS

**ACTION: DEFER pending further discussion.**

## **MT-10(8) ROADWAY SAFETY (RULE 7B)**

CHAIR SUGIMURA: So, the last item on our agenda is...

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

CHAIR SUGIMURA: Yeah, so, Ms. Vencel, you...oh, I'm sorry. Do you want to stay? I guess they all fit in. We don't need this...you want to stay for this? Do you need to stay for the liquor portion? No, you don't, yeah. Okay. Thank you. The next item on our agenda is Roadway Safety, MT-10(8). And this is the third meeting we're having on this, and today I said that I would invite Liquor to come before us. So, Georgette and Layne Silva, you want to come down here. Also, who...provided to us is proposed legislation for State, I guess, by Member King, and related to this though, not on the agenda. You want to just give a brief summary.

COUNCILMEMBER KING: Yes. Chair, this is the legislation that came up in our last discussion that Lieutenant Hankins was talking about. So, we just basically brought this back up for discussion. Originally, it was proposed by Senator Josh Green, who's now our Lieutenant Governor, and we did, my office did check with the Lieutenant Governor, he still wholeheartedly supports this legislation and is willing to writing a letter of support to HSAC to include it, and so I just asked him if he wrote a letter with his signature and the Governor could sign it, I think that would be stronger. But that is...so, I just wanted everyone to see what it was. It's basically taking his legislation from a couple of years ago, and it's the bill that names .08 as our legal limit, we're changing to .05, that was the suggestion.

CHAIR SUGIMURA: Okay. Alright. So, no action to be taken on this. It's not...

COUNCILMEMBER KING: So, everybody has a copy of this.

CHAIR SUGIMURA: Yeah, everybody got a copy, but you're not asking for any action because it's not posted?

COUNCILMEMBER KING: No, if it makes it through the HSAC, this came, this went to HSAC along with some legislation about the cesspools and some of the other topics that came out of the Council, and then if it makes it out of the HSAC, the meeting with as part of the package, that package will come back to all the counties for ratification.

CHAIR SUGIMURA: Okay. So, we'll look at...this is just informational.

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COUNCILMEMBER KING: Yeah. If everybody can just...if anybody's got any issues with it, I'd like to know because, you know, I want to be able to represent the full Council at the HSAC meeting so.

CHAIR SUGIMURA: Okay. So, previous meetings that we had, just for the Committee's information, I did say that I would ask Liquor to come at another date--so, thank you very much for coming and being here--as we had questions as you can hear, you know, there are questions that they need to ask you and I think you've addressed some in your rules, but it probably needs clarification from what the public thinks versus what Liquor enacted. The other items that were expressed is that, of course, they wanted Vision Zero, which is no more victims from traffic fatalities caused by overconsumption, prosecuting attorney, hiring a prosecuting attorney specializing in this area, implementing ordinances, ordinance that for confiscation vehicles after arrest, which is modeled after the Big Island, changing the intoxicant level, which is from .08 from .8 to 5.0 [sic], which Member King introduced, and there are questions relating to Liquor that you heard that still comes up regarding the 32 ounce serving for and what is the training and enforcement on that, do you have DUI classes for licensees, responsible beverage training, and overservice rules. So, those are the kind of questions that came up, and then the other one that came up that you heard today is could a committee be created that the Mothers Against Drunk Driving or the youth coalition can participate to look at some of the rules that come up as questions. Also, they wanted Nane Aluli, I guess, to come up, come also with Glenn Mukai one day to talk us, talk to us. So, you want, you have a few words you want to share with us on Liquor.

MS. TYAU: Good morning, Chair.

CHAIR SUGIMURA: Good morning.

MS. TYAU: Good morning, Chair and Councilmembers. I'm Georgette Tyau, I'm the Deputy with Liquor Control. Here with me today is Acting LC-04, Layne Silva. I did hear their concerns. I wanted to address, we do have operations, policies, and procedures where enforcement staff is tasked with doing certain activities to ensure preventing overservice. One of the things that we also do is the liquor education certification program. It is required of all managerial supervisory personnel on any liquor licensed premises. But here with me today, I'll pass it on to Layne, who can go over in detail those items.

CHAIR SUGIMURA: Thank you. Layne Silva?

MR. SILVA: Good morning, Ms. Chairman, Councilmembers. Is this, is it on? Yeah. Okay. Yeah, I'd be happy to answer whatever questions you guys may have in regards to what we're addressing today.

CHAIR SUGIMURA: So, you're in charge of enforcement?

MR. SILVA: I'm not in charge of enforcement, but I have experience with the enforcement division as well as with the licensing section. We deal with the education portion on the

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licensing section. But I could, because of my experience, answer whatever questions you may have.

CHAIR SUGIMURA: So, do you have comments regarding, we heard from the first meeting and today about the 32 ounce. So, our idea is that now licensees can, you know, pour or serve a whole big container of liquor like one serving.

MR. SILVA: Well, I think I can clarify that a little bit because I believe there's a misconception in what the rule actually allows. And the rule that was implemented was based on the change in State law that took effect on July 1<sup>st</sup>. A single person cannot order a 32-ounce beer. A 32-ounce beer can only be served to two or more people at one time, that's beer and wine. When they talk about the 32 ounces, it has to be broken down into flights, that's the only way a single person would be able to receive that amount of liquor in front of them at any one time. That's based on Section 08-101-84, preparation of drinks, it's Section B within the rules that limits that service.

CHAIR SUGIMURA: So, when you say flights --

MR. SILVA: Yes.

CHAIR SUGIMURA: --those are small containers for sampling only, right?

MR. SILVA: The samplers, yes.

CHAIR SUGIMURA: So, it wouldn't be 32 ounces.

MR. SILVA: Well, according to State law and what our rule adopted, it would allow up to that, yeah.

CHAIR SUGIMURA: And it's legal?

MR. SILVA: Yes.

CHAIR SUGIMURA: Okay. Any other questions for Liquor? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Silva, for being here. You know, one of the questions from the testifiers was about the proposed 24 hour alcohol sales. Right now, just for clarification, that's not, that is...

MR. SILVA: No, there is no 24 hour retail liquor sales allowed in Maui County.

COUNCILMEMBER SINENCI: Okay. And then the other testifier mentioned about, you know, even though, you know, their company is complying with the liquor laws, there may be violators that are, you know, like multiple violators that receive multiple violations. What you guys with those establishments that have multiple violations?

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MR. SILVA: Well, we have preset standards as far as if they're violating and they're found guilty by our adjudication board. If a single premise is found guilty for over service three times, there's an automatic revocation, on the fourth conviction, it's a revocation. Prior to that, there are fines in place for the first two violations that are preset.

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

CHAIR SUGIMURA: Thank you. So, just, what was given to us as a initial correspondence in our Granicus, if you look at August 14<sup>th</sup> from Liquor, it talks about those violations. Ms. Lee?

COUNCILMEMBER LEE: I just wanted to ask Mr. Silva, what is the current law with regard to liquor sales? What are the times? What are the limits? What are the days?

MR. SILVA: Retail establishments can sell liquor for off premises consumption from 6:00 a.m. to 11:00 p.m., seven days a week. On-premise consumption licenses are allowed to sell retail, which would be specific to a carafe, are allowed to sell a retail sale from 6:00 a.m. On-premises consumption is restricted to 8:00 a.m. to 2:00 a.m., seven days a week, with the hotel being allowed to serve on premises consumption 6:00 a.m. to 4:00 a.m., seven days a week.

COUNCILMEMBER LEE: And it's your job to enforce this?

MR. SILVA: It's the Department's job to enforce this, yes.

COUNCILMEMBER LEE: How do you do that without being there?

CHAIR SUGIMURA: They are there.

MR. SILVA: Well, we do have our enforcement staff that work on shifts. So, they are available 24 hours a day.

COUNCILMEMBER LEE: I see. Is there a law being, a rule change being proposed for 24 hours sales of liquor?

MR. SILVA: Not that I'm aware of, no.

COUNCILMEMBER LEE: Okay, thank you.

CHAIR SUGIMURA: Thank you. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So, I think there was a rule being proposed in the past, and then that didn't, like the testifier said, many people came out against that 24 hour. But all the rules that we're talking about today, those are all County rules?

MR. SILVA: The rules that we are speaking about today are County rules that stem from the updated State rules --

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COUNCILMEMBER KING: Okay.

MR. SILVA: --because our rules are based on the Hawaii Revised Statutes as well.

COUNCILMEMBER KING: Okay. But we as a County, do we have the ability to make stricter rules than what's in the State law? If we want to?

MR. SILVA: If it's allowed by the language in the State law, yes.

COUNCILMEMBER KING: Okay. Is there anything that's not allowed by State law for us to do? Like if we wanted to say put a restriction on the size of the flights or something like that, is there anything that's not allowed for us?

MR. SILVA: If the State law states that is must be, then we're not allowed.

COUNCILMEMBER KING: Do you know if it states that it must be 32, or was it 33?

CHAIR SUGIMURA: Thirty-two ounces. It's from the State law.

MS. TYAU: I can address that.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Georgette?

MS. TYAU: So, Act 226, which stemmed from Senate Bill 772, specifically says, provided that any rules adopted by the counties related to the stacking of liquor shall specify that a standard serving size of beer shall be defined as not exceeding a total volume of 32 ounces before a customer at any one time. So, it did say shall, so we wouldn't be able to take it out, because it said provided that rules adopted by the counties related to the stacking of liquor shall specify that, and that is the specific language --

COUNCILMEMBER KING: Okay. So --

MS. TYAU: --but it's given in...

COUNCILMEMBER KING: --it doesn't give us the authority to make stricter laws than what exist in the State.

MS. TYAU: As far as not exceeding the 32 ounces, I don't believe so. Corp. Counsel would be able to maybe say as far as the sizes of the flights 'cause this is not exceeding 32 ounces, so they may have any amount of glasses, just not exceeding the 32 ounces.

COUNCILMEMBER KING: And that's at one serving? That's a single serving?

MS. TYAU: Yes, that would be considered a flight.



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COUNCILMEMBER KING: Okay. So, it might be good, Chair, if we could get a, you know, some of the things that we're talking about today, if we could get an analysis from Corp. Counsel on what we can effect at the County level, and what we can't, and then we may need to go to the State Legislature for some of these changes. I know the blood alcohol level is one of those things, so I'm just confused about what can happen at the County level. Thank you.

CHAIR SUGIMURA: So, Mr. Galazin, maybe you could comment on that because they are mandated and governed by HRS, right, they're under us and can you explain to the Council what we can or cannot do?

MR. GALAZIN: Sure. And this is, you know, with limited understanding, I don't generally deal with Chapter 2.81 in the Hawaii Revised Statutes. But, you know, generally speaking when the State has legislated in an area, if it's, you know, deemed preemption, either express preemption, implied preemption, or field preemption, that sort of takes away the authority of the County to do anything that differs that would conflict with the State statute. In a case where it, you know, they used the word shall, obviously, it's gonna mandate certain behavior on the legislative part of the County; however, if it's something where it says, you know, shall exceed a certain amount, then typically a county would be allowed to have a more restrictive, just not a less restrictive. I would have to, you know, you have to look at each portion individually to know for a specific one if that were indeed the case, but that's sort of the general sense of it is that typically if something is mandated to us, you know, we have to do it, we can't be looser in terms of the regulation of the State, but oftentimes we can be more restrictive in some places. Thank you.

COUNCILMEMBER KING: So, that, the one that Georgette just read, that it didn't say not to exceed it just said shall be 32 ounces.

CHAIR SUGIMURA: Mr. Galazin?

MR. GALAZIN: Chair, yeah. And I haven't seen this before, so I wouldn't want to, you know, opine on that off the top of my head, but...shall be defined as not exceeding. So, it seems, you know, on the face of it that, you know, a standard serving size could be defined as something less than 32 ounces.

COUNCILMEMBER KING: By the County?

MR. GALAZIN: By the County as long as, you know, any rules shall specify that standard serving is defined as not exceeding, seems like it could be less. And that's sort of my initial take on it, but if you wanted a more firm answer, you could probably send something.

COUNCILMEMBER KING: I just got two differing opinions. I'll let that go for now. Thank you.

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CHAIR SUGIMURA: Yeah. Before Ms. Paltin, so the other question that came up from the community was could there be a citizens group that could help provide input to the Liquor Department, or Liquor Commission? The mic...

MS. TYAU: Just to clarify, yeah, that anyone can submit changes, recommendation to changes in the rules of the Liquor Commission at any time to the Liquor Commission. It wouldn't have to be something that we have to approve, whatever they want to present, they could present. As far as if they wanted the Department to be a part of it, I'm not sure how that would work or who would make that decision. But as far as anybody wanting to propose rule changes to the Liquor Commission 'cause they ultimately are the ones who would decide on any kind of rule changes.

CHAIR SUGIMURA: Okay. So, in other words, the citizens group who we heard from some of them today could participate and then propose rule changes to you. The other thing about rule changes, for the last two budget sessions, we put in, the Council has put in \$25,000 to hopefully, so that the Commission would look at all your, or Department would look at all your rules and maybe take a look at it and rewrite so that we'll have consistency in terms of enforcement. Do you know of any update on that?

MS. TYAU: Well, I do know our rule changes take place whenever State law gets changed, then we're mandated to update our rules to comply, and the other thing is if we do get rule change requests from other, from outside organizations or individuals that is what is presented to the Liquor Commission but the Liquor Commission is the ones who hear public testimony. I believe that last rule change with these 32 ounces, not exceeding 32 ounces and requesting a standard size. We went through, I believe, three public hearings. Three public hearings and ultimately the Commission decided it read exactly like State law, which they're required to do. Standard size drink definition was never put in because there was a lot of discussion, I assume, on alcohol by volume and the different sizes. There...a lot of testimony, but I cannot say how they came about their decision, but there was public testimony on both sides on defining a standard drink.

CHAIR SUGIMURA: So, you would be open to a community group being formed by those that testified earlier to propose rule changes or rules review?

MS. TYAU: Yes, they're more than welcome to submit rule changes.

CHAIR SUGIMURA: Okay. And then the...what is the Department doing with the \$25,000 that we put into the budget so you could look at your rules again and do some overview of all your rules?

MS. TYAU: Well, currently, what we're doing is we're just updating all the changes that is in the rules right now that was affected by the changes in State law came July 1<sup>st</sup>. So...

CHAIR SUGIMURA: Okay. So, what I'm asking you is, I hear what you're saying, but I'm asking you that the, what the Council put into the budget is a lump sum, so hopefully, do a RFP for a outsider to look at all your rules to make it so that it's consistent and

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easier for the community to understand what you're doing as a Department. Have you done anything with that?

MS. TYAU: No, not that I'm aware.

CHAIR SUGIMURA: Is the Department planning on doing anything with that?

MS. TYAU: I can check into it and get back to you.

CHAIR SUGIMURA: Okay. So, Staff, send a letter to Liquor on that. And then let's look into some kind of community organization that can do what the testifier said since you're open to it. So, thank you. Okay. I'm sorry. Tamara, your question?

COUNCILMEMBER PALTIN: Oh, no problem. Thank you, Chair. I just had a few questions. I'm not super familiar with the Liquor Commission, and I was wondering if you could just briefly give me the mission or the purpose of the Liquor Commission?

MS. TYAU: Well, the Department's mission is to regulate the liquor industry through the manufacturing and sale through licensing and permits and enforcement. So, that's pretty, in a nutshell, the Liquor Commission, Liquor Department's --

COUNCILMEMBER PALTIN: Mission.

MS. TYAU: --mission. Yes.

COUNCILMEMBER PALTIN: And the Liquor Commission is like a citizen group...

MS. TYAU: The Liquor Commission is made up of nine people from the public appointed by the Mayor, approved by the Council, and they're the ones to propose rules, adopt rules, approve licenses, and so forth. So, our Department provides the staff to the Liquor Commission.

COUNCILMEMBER PALTIN: And like you were saying, that anybody could propose rules to the Liquor Commission. I was wondering the level of transparency on that because some of the testifiers were saying they wanted to know who proposed these rules such as 24 hour liquor sales. So, when you propose a rule, is the public allowed to know who had proposed the rule?

MS. TYAU: I don't know if it's ever said who proposed it, but normally it comes, like, from the public --

COUNCILMEMBER PALTIN: So...

MS. TYAU: --or like I said, anything that is being addressed in State law changes, but that would be another question for I guess Corp. Counsel or something. I don't know, I've never heard of anyone asking who proposed the rule changes.

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COUNCILMEMBER PALTIN: Oh, they just asked.

MS. TYAU: No, no, no, I know. So, I wouldn't...I don't know the answer to that if they actually give it out or not.

COUNCILMEMBER PALTIN: Oh, okay. Corp. Counsel, would that be like public information or some kind of transparency? Like, I mean, when you make a complaint about your neighbor about zoning, usually you have to put your name down for that, so why would this be different?

CHAIR SUGIMURA: Mr. Galazin?

MR. GALAZIN: Thank you, Chair. To my knowledge, I'm not aware of anything that would preclude the Department from releasing that information upon request. I just don't think it's something that they routinely, you know, publish, but it wouldn't be, unless some other privilege attached. I can't think of why it wouldn't be a public record. It would be...

COUNCILMEMBER PALTIN: So, they would just, like the testifiers would just need to make like an OIP request or UIPA or something?

MR. GALAZIN: Yeah, that's correct.

COUNCILMEMBER PALTIN: Oh, okay.

MR. GALAZIN: That could be looked into, and if there were anything that needed to be redacted could be, but by and large I would imagine it would all be available.

COUNCILMEMBER PALTIN: Okay. And then, if a, I think, besides a community group, they wanted a Small Business Advisory Committee to, or someone from the committee to have a seat at the Commission, but basically, they could make their own Small Business Advisory Committee themselves. I mean, anybody can make any committee.

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

COUNCILMEMBER PALTIN: Oh. Is there currently a Small Business Advisory Committee?

MS. TYAU: Yes, there is a Small Business Advisory Committee. They were created to address the effects on small business per the Small Business Flexibility Act on how it affects small business economically and so forth. So, as I understand, this group wouldn't be a part of that because the target group is the small businesses, the licensees on the purpose as to how it affects licensees economically.

COUNCILMEMBER PALTIN: So, the Small Business Advisory Committee is currently in effect?

MS. TYAU: Yes.

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COUNCILMEMBER PALTIN: I mean, there is currently one?

MS. TYAU: Yes.

COUNCILMEMBER PALTIN: And they do advise the Liquor Commission currently?

MS. TYAU: They make suggestions on licensing, permit, you know, processes, what might help, or how it affects the liquor industry. They review rule changes also or they give their testimony also on how something is affecting small business.

COUNCILMEMBER PALTIN: And so, anybody with a small business can be on that committee or are they appointed and approved? And is the Liquor Department oversee that Small Business Advisory Committee? Just trying to...I have no idea what the background is with that.

MS. TYAU: Well, what it's been in the past is it's different members from the liquor licensees from industry and they represent different areas as far as like retail or hotel or manufacturers and so forth.

COUNCILMEMBER PALTIN: So, how are the committee members selected? Anybody can be on it or anyone in the industry?

MS. TYAU: That I would have to get back to you.

COUNCILMEMBER PALTIN: Oh.

MS. TYAU: It's just been in existence since I came on.

CHAIR SUGIMURA: So, we can get more information. I thought that the nonprofit director president was part of it, which is Debbie Cabebe at that time when I, but she's not a licensee, going back to your...

MS. TYAU: No, but she represents special, like nonprofit organizations and they become our licensees.

CHAIR SUGIMURA: On a special permit?

COUNCILMEMBER PALTIN: Or special events --

MS. TYAU: Yes.

COUNCILMEMBER PALTIN: --like to have fundraisers and stuff. So, like, if MADD had a special event where they had liquor, then they could be on the committee?

MS. TYAU: I really don't know how they're chosen to be on it.

CHAIR SUGIMURA: We can find out.

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MS. TYAU: I'm sorry. I apologize. It was before my time that I started, but we could get back to you on that.

COUNCILMEMBER PALTIN: 'Cause it seems like, you know, in the interest of like transparency and balance, if the small business licensees have a group that can comment on rules and advise the Commission, people that have lost a loved one due to alcohol-related things should also have an equal say to advise the Liquor Commission, and if it's not within the same group, maybe have their own group that does the same function as the small business. I mean, just the balance perspective of things, because, I mean, economics is important but life is also important, maybe more important, I don't know.

MS. TYAU: No, definitely, it's just that, like I said, this group was part of the Small Business Flexibility Act and you're required to present any kind of rule changes. They don't present any kind of recommendation to the Commission, if anything, they just come in and testify during public testimony along with anybody else.

COUNCILMEMBER PALTIN: So, you're saying the group was created as a result of a State act?

MS. TYAU: Yes, I believe so.

COUNCILMEMBER PALTIN: So, maybe have the State create a act to have another group for people who have been affected by liquor negatively or something like that.

CHAIR SUGIMURA: Well, you know, we can ask them for more information on that.

COUNCILMEMBER PALTIN: Okay.

CHAIR SUGIMURA: Yeah. Mr. Hokama?

COUNCILMEMBER PALTIN: Before that --

CHAIR SUGIMURA: I'm sorry.

COUNCILMEMBER PALTIN: --I had asked another committee for more information, and then before the decision making came up, no information was asked of the people. So, how should I follow up to make sure that it actually gets asked?

CHAIR SUGIMURA: Oh, so, to be sure that we ask them that question. So, Staff...

COUNCILMEMBER PALTIN: Yeah. 'Cause I had another one in the Housing Committee that never got followed up on, and then we had to, like, take a vote or there was a vote and it never got followed up.

CHAIR SUGIMURA: So, we'll send, yeah, and --

COUNCILMEMBER PALTIN: Maybe CC me.

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CHAIR SUGIMURA: --let Tamara know, yeah.

COUNCILMEMBER PALTIN: Okay. Thanks.

CHAIR SUGIMURA: Okay. Mr. Hokama?

VICE-CHAIR HOKAMA: Couple things on this issue that I was, wanted to follow up on. I know we spending a lot of discussion on drunk driving and whatnot, but and it has its place. So, I find it kind of unique, yeah, that we have this gray, not gray area, we have this gap area, 18 to 21, you cannot drink but you can serve alcohol if you working for one establishment. That's the law, right? You can serve but you cannot drink, 18 to 21 year old. Why wouldn't we just make the law instead you cannot serve any alcohol unless you 21 years old? I mean, is that one, such a common sense solution that doesn't make sense?

MR. SILVA: Well, what is permitted right now is for 18 to, 18, 19, 20-year-old minor can be employed in a licensed premise, which would include the service of liquor with the direct supervision of a certified employee, which basically means if you are hiring 18, 19, 20-year-old person to do this job to fulfill this duties, you're basically hiring two people to do the one job. I guess, the concept is it's a training situation where they're under the supervision of the certified employee, which is someone who has taken the liquor control exam and received the educational course, but that is how that is allowed. A 18, 19, 20-year-old minor is not allowed to come into any contact unless under those specific conditions.

VICE-CHAIR HOKAMA: So, have we just thought about eliminating the minor completely from the picture? And say, to serve alcohol, you must be of a minimum age, 21. Just like we say to have a drivers permit, you must be, have be a minimum of 15 years or whatever is the law now.

MR. SILVA: Absolutely.

VICE-CHAIR HOKAMA: Right?

MR. SILVA: Like was alluded to earlier, any change to the rules, we're more than welcome to accept any proposal for any changes to the rules.

VICE-CHAIR HOKAMA: Okay. That I know is State law, yeah, so we know where the battle is with the manufacturers and everybody else. So, that's why it's more kind of nuts to me because now we all agree 18 to 21, you cannot buy, you cannot drink. But how do we set one .02 limit on their alcohol if they cannot drink? Why would we even have just zero tolerance for minors?

MR. SILVA: I don't believe that's a question for...

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VICE-CHAIR HOKAMA: No, enforcement just enforces it. They not, they're not, you know, that's not the thing of .2, .3, .5, right. They just do what enforce the law says to enforce.

MR. SILVA: Absolutely. From the point of view of the Department of Liquor Control because we don't have a way to measure those standards, we go specifically by on view. We're looking for clear signs of intoxication. Or in the case of a minor, is a minor in possession of alcohol or that shows any indication of alcohol consumption?

VICE-CHAIR HOKAMA: Right, right, right. Okay. And I know my colleague had to leave, but, you know, she has a broader perspective and I appreciate she reminding us that. Do we focus on any other types of substances besides alcohol to the degree we do with liquor control? I mean, you guys are just focused on liquor, period, because you're liquor control and all other substances are upon police?

MR. SILVA: Technically, the way the rule reads is it's liquor, drugs, or any combination thereof. So, what we're looking for is intoxication of any kind. But again, it stems and it leads back to the licensee, the industry members. We don't regulate the general public. We regulate the liquor industry in Maui County and whatever takes place on where their responsibility is in their license premises.

VICE-CHAIR HOKAMA: I like you, Mr. Silva. You shoot straight. So, I got no problem with that. I appreciate that. I guess, you would be frustrated like us because for us it's just some of the solutions is just common sense for us. Yeah. But on a big, on another area though, yeah, Chair, I think one of the areas of road safety we should work on, but we don't have Ms. Andaya, but we have State highways is maybe the County should consider with, through Public Works and DOT, County DOT, that up to two to three jurisdictional issues a year we'll work to prioritize to get resolution, and I think that may help in road safety, because right now, what we sacrifice is maintenance and control, because we both saying, we both don't own the road between the State and the County. So, we can go on every district in this County and find one government road that the State and County fighting over that has some safety issues, 'cause I got 'em on Lanai too. So, I think that is something maybe Mr. Suzuki [sic], Police, our Public Works, maybe that can be one of your priorities, Chair. Get these jurisdictional issues, at least partially resolved by focusing on priority roads and make a decision, one or the other we'll take over and maintain it to safety standards. Thank you.

CHAIR SUGIMURA: Yeah. Good point. I want to hear...thank you very much for being here. And I want to hear from Police if you want to add to this discussion. I think the last meeting that we had, the Committee meeting, you were saying that 66 percent of the traffic fatalities come from alcohol related. Was it?

MR. HANKINS: Right now, as of today, we are at 66 percent fatality rate involving alcohol and/or drugs. It's too much, it's too high. There has to be some kind of changes that can be made to make this, make it safer. I definitely want to take a second and thank Councilmember King for really pushing .050 illegal per se law. I understand it's gonna be a long hard road battle, and I'm glad she's asking tough questions, especially of the liquor industry, he was here earlier. I knew the answer before he did that they're not



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gonna support it, but, you know, some of the things that he touched on I want to highlight. And, yeah, this was discussed with my counterparts in Utah, at the conference I was at, they were throwing things out, you know, come to Utah and vacation, leave on probation, and it's a scare tactic. It's a scare tactic to think about, you know, you're gonna lose money, you're gonna lose business, you're gonna lose this. Well, when we shut the road down because of an alcohol-related crash tourists are sitting in their cars not able to get to the airports, that's affecting business. There's a whole compound here that needs to be understood between the balance between economics and life, and I take life anytime, you know. I have no problem going into a liquor establishment and relaxing and maybe having a drink or so with my family when I go out to dinner, but I wouldn't want them to have to go knock on somebody's door, the way I have to do, to tell somebody someone's dead because of an alcohol-related fatality, and right now, we have far too many of them. Again, the gentleman that spoke earlier from the liquor industry was talking about that the numbers aren't in yet. Well, he's wrong. The numbers are in, the numbers are in that we just came back from. They're talking about a 40 percent reduction in alcohol-related crashes in Utah in the first 3 months. That's the first three months. Okay, 40 percent. So, right now, we're at 66. I'll take a 40 percent reduction. That's that many more numbers of people that'll still be here that we don't have to have crosses on the road or some other kind of memorial for.

CHAIR SUGIMURA: Thank you. Sergeant Kihata, you have anything you want to add?

MR. HANKINS: You know, there one other thing I do want to throw out there too is recently we just had a recruit class that went through and part of the training that we do for field sobriety training is an alcohol drinking lab. We have two drinking labs. So basically, we have subjects that come in under a controlled environment. It's a double blind study where the person comes in, they don't know what their blood alcohol content is, and then, of course, the recruits who are doing the field sobriety testing or learning how to do the field sobriety testing, they don't know what the blood alcohol content is. Sergeant Kihata was the one that was maintaining that lab and he knew what the blood alcohol content was. For these last two labs we did last week, he got these individuals to around a .05 level and he asked them specifically, would you drive right now, and every single one of them said no.

CHAIR SUGIMURA: Thank you. Mr. Shishido, do you have any comments as far as it relates to your State highways, do you have any comments regarding traffic safety or roadway safety?

MR. SHISHIDO: I mean, kind of echoing what Lieutenant Hankins said, you know, we look at a lot of our accidents, I mean, over 90 percent is, you know, human error and as you mentioned majority are drivers under influence. And so, you know, when a lot of these accidents do happen, you know, we get calls that, you know, the road is unsafe and really, you know, it's the drivers that are unsafe. You know, if a lot of these accidents are happening at various locations, you know, they're not concentrated where it's something, okay, we can go look at and do, but with that, you know, we have been putting, you know, traffic measures Statewide including on Maui, you know, like the

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rumble strips, speed feedback signs, and so forth to, you know, address the traffic safety where we can.

CHAIR SUGIMURA: Thank you. Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair. You know, I really appreciate what Lieutenant had to say. And I want to know how do we get to 40 percent?

MR. HANKINS: How do we get to...

COUNCILMEMBER KAMA: How do we get there? How do we get to...

MR. HANKINS: To lowering?

COUNCILMEMBER KAMA: Yes.

MR. HANKINS: To lowering, we need to get people to...basically, there needs to be some consequences for drinking and driving. As I talked about before in the last meeting, a special prosecutor that would come in and only handle DUI-related trials is what Don Guzman is asking for and we fully support that. Right now, there's no fear of consequence for DUI-related offenses. That's why we have so many drunks out on the road. We've stepped up enforcement. We've worked with MADD. We've worked with these families and we've doing a big push through the media to try and bring awareness to this. But these simple little things, you know, and I understand that the .050 legal per se law is not going to come from County Council, but a resolution to our State Legislature supporting it sure would make a big impact to them. And by lowering these limits, you're gonna have less people on the road that's impaired. You know, it was testified earlier that, you know, oh, the alcohol arrests are gonna go up, well, that's not necessary is being shown in Utah right now. The numbers are coming down because there's less impaired drivers. Because there's less impaired drivers, there's less fatalities, that's what we need to do. If we're truly gonna look at a Vision Zero, we need to make some kind of significant changes to the alcohol laws that are out there.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you, Ms. Kama. You know, do we need a resolution to attach to this to send to HSAC or just fine, or Legislature, or what is your idea regarding your proposed legislation?

COUNCILMEMBER KING: Okay. So, well, this legislation was sent to HSAC as part of our County's, you know, because it's on a list of concerns, and so all the HSAC represent board members were tasked with sending in the legislation for their island's concerns by last Friday. So, I was able to...because we had this meeting two weeks ago, Chair, I was able to send the legislation in as a potential, to potentially be supported. I was going to ask the DOT and Police and maybe SHOPO if they could send in a letter of support for this legislation to HSAC, the Hawaii State Association Counties, before our October 10<sup>th</sup> meeting. So, we have a meeting at 10/10 at 10:00 a.m., so easy to

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remember, if you could send in support for that so that HSAC can take this up as a Statewide concern and we will ask as HSAC, we will ask the State Legislature from all of our counties if we all support it to pass this legislation. So, this will be part of a package. It comes back to our County Council --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: --and all the county councils to ratify after the 10<sup>th</sup>.

CHAIR SUGIMURA: So, you need letters of support before 10/10 at 10:00.

COUNCILMEMBER KING: Right. To the HSAC Board, so that all the other, all the counties know that it's being supported. Well, we already know it's being supported by the Lieutenant Governor, because he wrote the original legislation, and he did tell my office, he wholeheartedly supports it. And then, you know, to know that SHOPO supports it and all the police departments from all counties support it, DOT supports it, MADD supports it, the student, at least the ones from Maui who are here support it. All the groups that support this, if we can get letters of support to the Hawaii State Association of Counties, I think that'll help greatly get it through that October 10<sup>th</sup> session, and then it'll come back to this Council.

CHAIR SUGIMURA: Thank you. So, Shelly, maybe we can send a letter or something to then State DOT, if it's appropriate, and then the Police, the community groups.

COUNCILMEMBER KING: And also, you know, if we can ask would our Liquor Commission support this change.

CHAIR SUGIMURA: Yeah, so.

COUNCILMEMBER KING: Do you...do you have an opinion Liquor Commission?

CHAIR SUGIMURA: And if you could also get...so, we could ask them that question, too, and see they have to probably ask. But, Kelly, can you give to Shelly, later, the address that it has to go to or --

COUNCILMEMBER KING: Sure. She has it.

CHAIR SUGIMURA: --e-mail address that it has to.

COUNCILMEMBER KING: She's actually my support person on the HSAC Board, so she has all that information.

CHAIR SUGIMURA: That's true. So, if you could send out a reminder to everybody. Ms. Paltin?

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COUNCILMEMBER PALTIN: Yeah. I just was wondering, I mean, maybe we can announce it on the air, so everyone can, watching, can draft their letters now and send them in right away, the e-mail address.

CHAIR SUGIMURA: Okay. You want us to announce it now? Do you know what the...

COUNCILMEMBER KING: You can actually send it to my address [kelly.king@mauicounty.us](mailto:kelly.king@mauicounty.us) and because I'm the HSAC Board Representative, so --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: --send it to me, and it'll get to the committee.

CHAIR SUGIMURA: [Kelly.king@mauicounty.us](mailto:Kelly.king@mauicounty.us), okay --

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: --for that meeting. Thank you.

COUNCILMEMBER KING: Thank you, Member Paltin.

CHAIR SUGIMURA: The other thing that I wanted to find out if we could create a resolution asking the Liquor Department for a community group, like you have your small business, you know, community group for input. I think...I'm not too sure, you know, what the...how the Department will receive that, but you probably have to go ask somebody right? You have to ask Glenn or somebody, Mr. Mukai?

MS. TYAU: That wouldn't be my decision, but I would suggest to pose the question, yes.

CHAIR SUGIMURA: Okay. So, Shelly, let's start off with a letter to the Department asking that question, and then look at the community groups to maybe find some substance for the letter and why they want the input, because what the Department is saying that anybody, which is you, me, and everybody can send things to the Liquor Department. So, what is it that they're looking for that they're not receiving? I will tell you, Ms. Paltin, to your question about transparency. I submitted a rule change during my first term and my name was there. So, it's not...I'm not too sure how they normally handle things, but my name was physically on the proposal for the rule change, which passed.

COUNCILMEMBER PALTIN: So, sometimes it's there and sometimes it's not?

CHAIR SUGIMURA: I don't know if they have different policies for different circumstances, but we can ask that question for transparency, Shelly, --

COUNCILMEMBER PALTIN: Okay, cool.

CHAIR SUGIMURA: --to Liquor Department, yeah.

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COUNCILMEMBER PALTIN: That's good information.

CHAIR SUGIMURA: Yeah because my name was definitely on the proposal. I think there was mine and there was another proposal similarly. And could you also send a question to the Liquor Department regarding the, what are they doing in terms of possibly looking at review change and the budget amount that we put into the budget for that, Shelly?

COUNCILMEMBER KING: So, Chair, can I make a suggestion?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER KING: I think the groups that came before us today were asking if the Council would pass a resolution requesting that the Liquor Commission create a working group, advisory working group and that might be rather than just sending a letter asking them why they're not doing it or asking them to do it. It might be quicker to just pass the resolution, because if we send them a letter and they send something back saying they're not gonna do it, then are we gonna drop it or are we going to still push for the resolution, so maybe the thing to do is to just get the resolution out there in the next Committee meeting.

CHAIR SUGIMURA: Okay. So, we can work on that, and if I could reach out to the community groups to help me get substance for it, because it sounds like an option that's already available to you, which I know that you have lobbied, you know, for rule changes, so let's stand together and figure out how we can strengthen that. Is that okay? Ms. Kama?

COUNCILMEMBER KAMA: Yes. So, thank you, Chair, for that because my thought was that if the working group or the community group wanted to have some kind of relationship or an attachment to the Liquor Commission, then we should as a Council, I think, take some action to be able to allow that to take place. Because I think they are wanting more than just to be a voice on the outside, I think they actually want to have some kind of a relationship and connected to the Liquor Commission, so that they can actually be more than just a voice, but actually maybe actually have some continuity, have some relationship that gives them a little bit more authority than the voice out there in the wilderness crying. So, I'd like to help you work on that if you wouldn't mind.

CHAIR SUGIMURA: Yes.

COUNCILMEMBER KAMA: Thank you.

CHAIR SUGIMURA: Perfect.

COUNCILMEMBER KAMA: Thank you.

CHAIR SUGIMURA: Thank you. Mr. Galazin, would you like to say something?

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MR. GALAZIN: Thank you, Chair. I just wanted to circle back to Council Chair King's question about sort of the scope and authority of this body when it comes to State law. One other thing about preemption, too, is you've got to consider something within its statutory scheme. And so, specifically as your question about that serving size, while it sort of makes that definition as a not exceeding within 281-78.5 itself, it says that, you know, the Liquor Commission, each Liquor Commission in the counties shall adopt specific rules provided that any rules adopted by the counties related to the stacking of liquor shall specify that those things. So, it's actually, I would look at it more as a, what is mandatory is that we adopt this definition and that not exceed as something that looks more like it would upon a licensed, you know, a licensed premises to decide they could serve up to that amount. So, that's why, you know, it's probably more important if there are questions about where we have the flexibility to, you know, check with the Commission, the Commission can consult its regular attorney, and they probably would have a quicker idea of that, but that's, you know, another thing that you need to consider in the calculus. So, thank you, Chair.

CHAIR SUGIMURA: Okay. Thank you for that clarification. Members, any other questions we have for anyone here? I really appreciate this discussion. Liquor, we've been waiting for you to come. I know the first meeting, Mr. Mukai wasn't available, and the second meeting we had, we didn't invite you, so, thank you for coming.

MS. TYAU: I apologize they couldn't, I'm sorry, they couldn't be here today. They're at a State conference on Oahu, the chair, commissioners, and the director.

COUNCILMEMBER KAMA: Chair?

CHAIR SUGIMURA: Yeah. Yes?

COUNCILMEMBER KAMA: I'm sorry, one last question. I forgot.

CHAIR SUGIMURA: Yes.

COUNCILMEMBER KAMA: How many enforcement staff does Liquor Commission have? 'Cause I was thinking about the question that Councilmember Alice Lee asked about how you're going to enforce it, especially between the hours and you go to 4:00 a.m., it's like...so, how many people do you have to do that?

CHAIR SUGIMURA: What is your personnel count?

MS. TYAU: The Enforcement Division currently has an LC-04 and 10 positions, 10 Liquor Control Officer positions.

CHAIR SUGIMURA: With vehicles?

COUNCILMEMBER KAMA: With vehicles?

MS. TYAU: Yes.

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COUNCILMEMBER KAMA: Okay, thank you.

MS. TYAU: This has pretty much been the standard since I joined the Department back in the early '90s.

COUNCILMEMBER KAMA: Is that sufficient?

MS. TYAU: I believe so, but right now, we actually have, I think, one vacancy.

COUNCILMEMBER KAMA: Okay. So, you have ten positions, nine filled, but one vacant.

MS. TYAU: No, I think we have...we may have two vacancies in there. I'm not sure of the exact count right now. The issue has always been that Liquor Control Officers has always been the pay, which we don't have control over, but that is why we always have that turnover because coming in as a trainee is only an SR-14, so that's always been our challenge. So, at this time, I mean, the amount seems sufficient, because we need to fill it.

COUNCILMEMBER KAMA: Okay. Thank you for that.

CHAIR SUGIMURA: Okay. Okay, thank you very much. So, Members, I'm going...we're gonna send correspondence to Liquor Department and all of, anybody in the public, besides sending an e-mail to Kelly King's e-mail, Hawaii State Association of Counties address is 530 South King Street, Honolulu, Hawaii, 96713, and the president is from City and County of Honolulu Joey Manahan, so and Ms. King is a member of that...are you an officer also? Ms. Kama?

COUNCILMEMBER KAMA: Can you spell Joey's last name please?

CHAIR SUGIMURA: Manahan is M-A-N-A-H-A-N.

COUNCILMEMBER KAMA: Thank you.

CHAIR SUGIMURA: Yeah. Okay. Members, we have still work to be done on this, and I look for some solutions in it as we...we stand by you in trying to get down the deaths that are caused by alcohol. I want to just make a general statement, and I know that just by reading the correspondence that Liquor has sent to us on penalties, and I'm gonna support that they have been working really hard to enforce the liquor laws with licensees. And I think licensees don't want to get their licenses taken away, so I think that they've been pretty open to learning and making sure that laws are being followed. There is the private parties that happen, and I think that also contributes to the deaths on the highway, which I don't know if we have stats on that, whether it comes from licensees or from, you know, private parties. Do we have that, Police? Do we know? I think last time you said if you...

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MR. HANKINS: Sometimes we can tell through our investigation or interviewing where they were coming from, and that information is forwarded over to the Liquor Department and then they do follow-ups from there, see if there's any liquor rule violations. Sometimes, we just don't know where they came from.

CHAIR SUGIMURA: Okay. As much as you can, right? I think you said if you knew that for everyone that would be unusual. Member King, before I...

COUNCILMEMBER KING: Yes. Thank you, Chair. I was just wondering if we could also have the Committee send a letter to the Vision Zero folks and ask them to support that reduction.

CHAIR SUGIMURA: Oh, good one.

COUNCILMEMBER KING: Yeah.

CHAIR SUGIMURA: Yeah, so Vision Zero. Okay. So, Lauren Armstrong with MPO, if we could also do that. At this time, I'm gonna defer this, so we can continue discussions, defer, this is MT-10(8). We're gonna work on a resolution, and if I could reach out to the community groups to help me create that and...any other questions, Members? Okay. So, we'll be sending out letters based upon this discussion, appreciate all of you for being here and spending the morning with us.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: TK, SS)

**ACTION: DEFER pending further discussion.**



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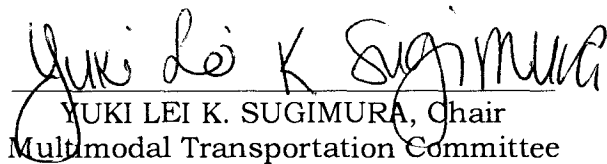
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CHAIR SUGIMURA: Thank you very much, Robin, for being here. And, Police, thank you very much. I will say that--do I have it here--Police is doing a promotion to support breast cancer. I got this on Lanai. So, you're selling these for \$10 apiece, I think, to raise money for cancer awareness. So, thank you, everybody. This meeting is now adjourned. . . . (gavel) . . .

**ADJOURN: 11:52 a.m.**

APPROVED BY:

  
YUKI LEI K. SUGIMURA, Chair  
Multimodal Transportation Committee

mt:min;190930:mb

Transcribed by: Michelle Balala

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CERTIFICATE

I, Michelle Balala, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23<sup>rd</sup> day of October, 2019, in Kihei, Hawaii

A handwritten signature in cursive script, appearing to read "Michelle Balala", is written over a horizontal line.

Michelle Balala