

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

January 21, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, JANUARY 21, 2022, BEGINNING AT 9:03 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting of January 21, 2022, please come to order.

Good morning, Members and everyone. As you can see, the morning greeting is selamat siang.

So, Mr. Clerk, can we have roll call?

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, proceeding with roll call. Members should state who, if anyone, is present with them as part of roll call.

ROLL CALL

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Selamat siang, Chair and fellow Councilmembers. And aloha Pō'alima kakou my Maui hikina. For the record, we are broadcasting today from the Hana Cultural Center with my EA Dawn Lono. Aloha.

CHAIR LEE: Good morning.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and selamat siang, Madam Chair, my colleagues, and everyone else joining us for today's Council meeting. For the record, I am transmitting from my residence in Makawao. And my wife is also in the house, in a room 25 feet away. Mahalo.

CHAIR LEE: Good morning.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

CHAIR LEE: Excused for now.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair. Selamat to you and selamat to my fellow Councilmembers. I am home alone on the beautiful island of Lanai, and it's a little bit chilly today.

CHAIR LEE: Good morning.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Selamat siang and aloha kakahiaka kakou. Broadcasting live and direct from sunny Lahaina Town at the Old Lahaina Center at our District Office. We're excited to greet any future testifiers as courtesy site. And I'm more than six feet away from my EA Angela.

CHAIR LEE: Good morning.

COUNCILMEMBER PALTIN: Good morning.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Selamat siang. Good morning, everybody. I'm here in Kula this morning. And I must tell you that I'm working on getting my connectivity better. We're going to be installing a router at, on the first floor of our house for me and my office. And I look forward to a very productive meeting. And my router is coming next week, but we're getting there.

CHAIR LEE: Very good. Very good.

(Councilmember King arrived at the meeting at 9:06 a.m.)

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: And I see Member King is here.

COUNCILMEMBER KING: Aloha. Aloha, everybody. So, sorry about this. I'm just having these connectivity issues. I, I decided to try to come back into the office again and it's

not working. After my, but I wanted to get on to do this resolution, so good morning, aloha kakahiaka everyone. I'm looking for the greeting of the day.

CHAIR LEE: Selamat siang.

COUNCILMEMBER KING: Selamat. Selamat? That's an easy one. And I'm, I'm, so I'm in the District Office this morning, and I've got my other two staff members, Daniel Kanahele and Ellen McKinley more than six feet away. But they're, they are in the office, so we'll try to get, keep the, keep muted as much as possible . . .

CHAIR LEE: Good to see you. Good morning.

COUNCILMEMBER KING: Good morning.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. Aloha Pō'alima my colleagues. And selamat siang to everyone in our Akaku land. I am in my workspace in my home, and I am alone. Thank you, Chair.

CHAIR LEE: Good morning.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Molokai nui ahina. I am here at the Molokai District Office alone on my side of the office. Selamat siang.

CHAIR LEE: Selamat to you, Vice-Chair.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: Selamat siang, everyone. And I am here in my workspace, alone with my pocket-pitbull. And her name is Koa Lei Lee. And looking forward to having a wonderful short meeting today. Okay, I don't want to jinx it. I take that back.

Mr. Clerk, proceed.

PRESENT: COUNCILMEMBERS SHANE M. SINENCI, MICHAEL J. MOLINA, GABRIEL JOHNSON, KELLY T. KING, TAMARA A.M. PALTIN, YUKI LEI K. SUGIMURA, NATALIE A. KAMA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ, AND CHAIR ALICE L. LEE.

DEPUTY COUNTY CLERK: Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

For the record, I am Deputy County Clerk James Krueger. Also present from the Office of the County Clerk are County Clerk Kathy Kaohu; and Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

Joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey and First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: And opening remarks will be provided by our Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

OPENING REMARKS

The opening remarks were offered by Council Vice-Chair Keani Rawlins-Fernandez.

CHAIR LEE: Thank you, Vice-Chair, for those beautiful words.

Mr. Clerk. Maybe it's my turn. Please join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council rose and recited the Pledge of Allegiance.

CHAIR LEE: Before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it is your time to speak. Decorum shall be maintained at all times.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on the ceremonial resolution. The first individual we have signed up to testify on the ceremonial resolution is Lucienne de Naie. To be followed by Charlene Schulenburg.

CHAIR LEE: Good morning, Ms. de Naie.

PRESENTATION OF ORAL TESTIMONY

MS. LUCIENNE DE NAIE:

Good morning. I'm having a little bit of internet connection blips this year, so I'm sorry, you're just going to hear my voice. But mahalo to all for putting forth this ceremonial resolution honoring our wetlands.

As we all know, our wetlands provide invaluable services to protect our nearshore waters from pollutants. They are like the kidneys of our whole ecosystem, and they are extremely undervalued. I was speaking to a couple people the other day about the importance of the wetlands in the Kihei area. And one person said, oh, I didn't know there were any wetlands except the ones at Azeka, or maybe that one by the church. But of course, Kihei is full of wetlands. There are wetlands in West Maui. There are wetlands in other parts of Maui as well. And they're all performing an invaluable function.

So, mahalo for honoring this, this special day, looking at focusing awareness on our wetlands. They are going to be more important than ever as we move forward and have to adjust to differences in sea level temperature and levels. Because when the sea levels change, it's not like we all of a sudden realize our parking lots underwater, but the sea level underground starts moving inward as well. And this will affect the wetland areas, which have a connection to usually tidal flows as well as freshwater flows. And that's why historically, they function, they have a particular type of soil and plants that indicate that those flows are present.

So, I hope this is the year that we can pass some bills to make sure that the great provisions in our Maui Island Plan and our community plans that protect wetlands actually have some sort of implementation where we set them aside for protection, and don't just give lip service and say, well, you can fill in half and don't fill in the other and that'll be good enough. We're going to need every area of functioning wetland along our coast that we can take care of. And we should be providing for that in our future planning. So, mahalo.

CHAIR LEE: Thank you. Are there any questions, Members? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The last individual we have signed up to testify on the ceremonial resolution is Charlene Schulenburg.

MS. CHARLENE SCHULENBURG, SOUTH MAUI SAVE THE WETLANDS HUI:

Hi. Can you hear me?

CHAIR LEE: Yes, we can.

MS. SCHULENBURG: Hi. It won't let my video on. Do you guys want to let me in?

CHAIR LEE: Please proceed though.

MS. SCHULENBURG: Okay. So, I'm speaking on behalf of the Save the Wetlands South Maui, Save the Wetlands Hui. Usually, I just talk off of the top of my head. But the Hui has a nice little piece that I would like to read please.

Aloha, Chair Lee and esteemed Councilmembers. On behalf of the Save the Wetlands Hui, I wish to express our appreciation for your resolution "RECOGNIZING FEBRUARY 2, 2022, AS WORLD WETLANDS DAY IN THE COUNTY OF MAUI". Per this resolution, Maui County joins a global movement to value, manage, restore, and love our wetlands. Indeed, Maui County is a leader in this movement with this Council and the Mayor's Office of Economic Development, having provided support for wetlands conservation and restoration projects in Maui County.

The Save the Wetlands Hui is the receipt, excuse me, Wetlands Hui is the recipient of a grant from Maui County, and we truly appreciate the leadership of Councilmember Kelly King and the support of this Council in providing that grant.

While many are aware of the larger beautiful wetlands on Maui, such as Kealia Pond, Kanaha Sanctuary, and the Waihee Refuge that are under active restoration and conservation management programs, many are unaware of the extent of the wetlands throughout Maui County that need such protection. The grants of Save the Wetlands Hui entails creating an inventory and mapping of the wetlands in the Waiohuli-Keokea corridor of Kulakai in South Maui, conducting restoration at Laie Mauka Wetlands, and providing public education and outreach to raise awareness of the cultural, economic, environmental, and recreational aspects of our wetlands here in Maui County.

What we have learned through our work is that the great value of these wetlands to our community in providing protection of ocean water quality; mitigation of flooding; carbon . . . to counter climate change; opportunities for cultural practice; and a place for rest,

respite, and recreation, even in the midst of busy Kihei town. We have seen the ohana of Maui County truly love our wetlands and will show up ready to do the work of restoration, being willing to get their hands dirty in these efforts. We have seen the excitement of our people learning about where the wetlands are and how they work. We have seen reverence in great eagerness to learn about the history and cultural treasures of these wahi pana.

We invite you and the public to join us at our workday at Laie Mauka, tomorrow, January 22. Our celebration of World Wetlands Day is on February 22 at Kalama Park. You may join us there too. We would be happy to arrange visits for this Council or any other groups wishing to come see the restoration at Laie Mauka, Laie Mauka, excuse me, and learn about our work. Mahalo nui loa for supporting our work and your recognition of World Wetlands Day. And we have actual plantings, we actually have native plantings, which is super exciting, for tomorrow's workday. Thank you very much.

CHAIR LEE: Thank you, Ms. Schulenburg. Members, are there any questions?

Member, Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you. Thank you for your testimony, Ms. Schulenburg. So, my question is, you mention that the Waiohuli-Keokea corridor, is that a wetlands corridor? And what geographical location does that cover?

MS. SCHULENBURG: Okay. So, yes, it is a wetlands corridor. In fact, most of South Kihei, especially the SMA areas, are all kind of wetlands. And then, the corridors are really located in and surrounding each of the major gulches. So, you know, ours is the Keokea Gulch that actually feeds into Laie. But that is in the, the corridor that you just mentioned. So, it would be great if I could show you on a map.

And what was your second question, Councilperson Tasha Kama?

COUNCILMEMBER KAMA: And my second question was, is it a wetland, and I asked about the geographical locations of it.

MS. SCHULENBURG: Yeah. Yeah.

COUNCILMEMBER KAMA: Because when I think about Waiohuli-Keokea, I usually think about the mauka side, from the mountain to the sea. But you're actually talking about the area within the South Maui, Kihei area, correct?

MS. SCHULENBURG: Correct. Yes, absolutely.

COUNCILMEMBER KAMA: Okay.

MS. SCHULENBURG: Yup. Right in the middle of town, quite frankly.

COUNCILMEMBER KAMA: Yes.

MS. SCHULENBURG: And it does include, it does include the Azeka's wetland. There's lots of wetlands that we've identified that we're hoping to save that are undeveloped lots.

COUNCILMEMBER KAMA: Yes.

MS. SCHULENBURG: But they're, they're such a wholesale on property right now. We're very, very concerned. So, please keep that in mind as we bring this information to your attention.

COUNCILMEMBER KAMA: Thank you.

MS. SCHULENBURG: Because we're, we're really needing to keep those as open spaces.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Anymore questions? If not, thank you very much, Ms. Schulenburg.

MS. SCHULENBURG: Mahalo.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on the ceremonial resolution.

CHAIR LEE: Members, any objections to closing testimony on ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objection. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the ceremonial resolution.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 22-7

RECOGNIZING FEBRUARY 2, 2022, AS WORLD
WETLANDS DAY IN THE COUNTY OF MAUI

CHAIR LEE: Councilmember Kelly King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLED "RECOGNIZING FEBRUARY 2, 2022, AS WORLD
WETLANDS DAY IN THE COUNTY OF MAUI".

There's a lot of 2's; 2, 2, 2022.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Johnson to adopt this Resolution 22-7.

Discussion, Member King?

COUNCILMEMBER KING: Thank you, Chair. I just wanted to point out too, and acknowledge Robin Knox, who would have been here and was scheduled to speak, but she had something that came up that she couldn't get out of. It was exactly at 9:00. So, if your, if you got your TV on out there, Robin, we're, we're thinking of you as well.

And I would request the Clerk please read the resolution in its entirety.

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Any discussion, Member King?

COUNCILMEMBER KING: Thank you, Chair. And thank you, Mr. Deputy Clerk, for reading that resolution. I would just offer to, maybe we can make a friendly amendment and add Charlene Schulenburg to the list of recipients, if there are no objections?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

COUNCILMEMBER KING: Thank you, Members. I do have some discussion. Wetlands constitute critically important ecosystems worldwide, including in Maui County. Among their benefits, local wetlands provide food protection, flood protection; shoreline erosion control; natural water quality improvement for streams and the ocean; habitat for biodiverse species, including endangered birds; carbon sequestration; and economic resources for the Native Hawaiian community. The vast majority of wetlands worldwide have been lost or degraded. Recognizing World Wetlands Day on February 2 will contribute to the awareness of the vital role of wetlands at a time when they are threatened with continued disappearance and degradation.

Please consider joining the Save the Wetlands Facebook group to find a local wetlands event. The next workday for Maui is tomorrow at Laie Mauka, January 22 from 8 a.m. to noon. And if you go there, Members, I've, I've done a couple of these workdays, it is hard work, but you don't have to stay the whole four hours. So, any, any amount of work you can do will help bring awareness and get some work done. It's, it's actually a really great project. Meet at Medispa Maui at 1145 South Kihei Road at 8 a.m., and you can help with the planting of native plants. This is very exciting because the earlier work that we had done there has been removing unwanted species and weeds. And so, now you'll get to, you'll get to actually plant.

Thank you to Robin Knox and South Maui Save the Wetlands Hui, as well as Char Schulenburg for her undying advocacy. And for all their work to preserve, protect, and restore our precious wetlands. I ask for the Members full support of my resolution.

CHAIR LEE: Anymore discussion, Members?

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. I want to thank Councilmember King for this very, very good resolution that recognizes the importance of our wetlands. And also, for the testimony of Ms. de Naie and Ms. Schulenburg. And I'm hoping that all of the environmental organizations, and everyone else for that matter, can do, increase their outreach into our schools, to educate our young about the importance of the wetlands and its importance to our local culture as well.

And, you know, for me as a classroom teacher, it's, seeing this resolution today has given me ideas about doing some wetlands lesson plans, cause it's a topic that can touch four of our major core curriculum subjects, such as math, science, social studies, and English. So, one can get a little creative with developing lessons related to the wetlands.

And Madam Chair, I don't know about you, but when I was growing up, I didn't receive much education or discussion about wetlands, the importance of it. So, I think the more we can do a lot of outreach for our future generations about wetlands, this can possibly contribute towards reducing the degradation of our wetlands. So, anyway, but mahalo Member King for this reso. Thank you, Madam Chair.

CHAIR LEE: Excellent idea. Any more discussion? If not, all those in favor of the motion to adopt the resolution, please raise your hand. Oh, I'm sorry, I think we need roll call. I know it, we have this issue of what's unanimous and what's not. Let's just have roll call, Mr. Clerk, for every vote.

DEPUTY COUNTY CLERK: Proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes"; motion carries.

CHAIR LEE: Thank you. Thank you, everybody. The, I just want to let you know that unless unanimous, we, we need to take a roll call. But how would I know if a vote is going to be unanimous? So, why don't we just take a roll call, okay?

Mr. Clerk. Let's see.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes? Member King.

COUNCILMEMBER KING: Just, can I just invite Ms. Schulenburg, if she has any additional thoughts, now that we've passed the resolution, just to say a few words? Robin Knox was going to be here to do that, but as I said earlier, she was not able to be here. And so, just wanted to give her a chance to fill in. And also, I will personally remind any Councilmembers and anybody out there who decides to come and help out tomorrow, to wear your not, non, to wear your mineral-based sunscreen when you come out.

CHAIR LEE: Very good.

Ms. Schulenburg, are you there?

MS. SCHULENBURG: Oh, my goodness. Yes. Oh, my goodness. Thank you so much. I was not expecting to be added to this. I am so honored and so grateful. This work has been eye-opening for me. It has been, it, it's a gift to work in the land and to work around the wetlands. And it's been, you know, as a, as a haole girl being raised here, it feels like the island hugs me, and it feels like the Hawaiians hug me when I work on, on the land. It feels like it's doing the right thing.

And, and I invite everybody to join us. The education has been astronomically amazing, especially with the help of Robin Knox and, and Scott Fisher. And although I didn't study this in school, if I could go back to school, I probably now would become some sort of wetland environmental specialist or something. I know way more than I probably should, but clearly not enough to call myself an expert. So, I'm, I'm playing a de facto expert just because I get my hands dirty.

I would love to talk about this all day, but I don't want to take up your time. If there are specific questions, please feel free to reach out to me through Councilperson Kelly King. And I'd be happy to show you the Laie Wetlands, especially, because I live immediately adjacent to it. So, everything that happens in that wetlands, I am personally, you know, responding to, I am personally witnessing. And so, I feel it in my bones when it's hurting, and I feel it when it's healthy. And it can be so healthy at times. And it, it, it's joyful. So, thank you so very much. I'm actually just so overwhelmed. Thank you.

CHAIR LEE: Thank you. Ms. Schulenburg, was your father Lee Schulenburg?

MS. SCHULENBURG: Yes. Yup, that's the faddah. We called him . . .

CHAIR LEE: So, you are a, you are a local girl.

MS. SCHULENBURG: Oh, yeah. I, I am OKG, original Kihei girl.

CHAIR LEE: We have a question for you from Pro Temp Kama.

MS. SCHULENBURG: Yes. Yes.

COUNCILMEMBER KAMA: Thank you, Charlene, for your comments that you just uttered. And I am very much moved by what you're actually feeling from the land. And I certainly do appreciate that. And I know we don't have time now to have a deeper discussion, but if you don't mind, I'd like my staff to reach out to you and maybe have an opportunity to have a deeper discussion regarding this, if it's okay?

MS. SCHULENBURG: Absolutely. I have, I have chicken-skin all over. And I am open to any and all discussion and would be happy again to continue that, that conversation and or, you know, invite you down to our, our worksite at the mauka site, as well as our close area here at the makai site.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Thank you. Any more questions, Members? If not, thank you again, Ms. Schulenburg. And thank you, Member King, for proposing this resolution.

MS. SCHULENBURG: Mahalo.

SET THE CONSENT CALENDAR

CHAIR LEE: Members, at this time we will set the Consent Calendar. As a reminder the calendar can still be adjusted even after it is set. Are there any requested changes to the Consent Calendar at this time?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The removal of 22-17 and 22-18, please.

CHAIR LEE: 22-17 and 18. Okay, any objections to setting the consent cal--

Oh, we have one more. Member Sugimura.

COUNCILMEMBER SUGIMURA: 22, excuse me, 22-16, please.

CHAIR LEE: Okay. Anyone else? Are there any objections to setting the Consent Calendar? If there are no objections, the Consent Calendar is set.

Mr. Clerk, please proceed with testimony.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on agenda items. Members of the public may testify by connecting to the Council's online meeting by phone or video conference through the information posted on today's agenda.

Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by video conference should keep both their video and microphones off and should turn them on only when it is their time to testify.

Testimony is limited to the items listed on the agenda. Individuals may testify for three minutes per item. When testifying, please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

After your testimony has concluded, please disconnect from BlueJeans. Once the testimony period is closed, all the, only the Councilmembers, staff, and designated resource persons will be connected to the meeting. All other individuals will be disconnected. The remainder of the meeting can be viewed on Akaku Maui Community Media or on mauicounty.legistar.com. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first individual we have signed up to testify is Mike Moran. To be followed by Lucienne de Naie.

PRESENTATION OF ORAL TESTIMONY

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on Committee Report Nos. 22-5 and 22-13; and Bill No. 21 (2022)]:

Good morning, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. As always, we'll try to be brief. We're testifying on 22-5 and 22-13, and we have testified on these before, so we won't be verbose about them. But we appreciate you moving them both forward for Daniel Kanahale for the Advisory and for Mike Williams for the Charter. And we see the Charter does have a meeting next week, so I don't know if we can get him on that quick. But you've done it as quickly as you possibly can and we, we just want to express our appreciation for that.

And then, the one other item is Bill 21, for the lights with the seabirds. And we see this as something that's long, long overdue. I mean, people have discussed this for years. And when I mentioned this to our, our Board that this was up and we were going to testify, a couple of them said I thought that was already done. And unfortunately, that's what happens sometimes. It's discussed and people make an assumption. But you guys are taking action on it, so Councilmember from South Maui Kelly King, thank you for pushing this forward. And we think this is much needed to support the natural life and may, maybe slightly inconveniencing us humans and we have to do more of that for the natural species. Thank you very much for the opportunity to testify. Aloha.

CHAIR LEE: Aloha, Mike. Are there any questions? If not, have a great weekend.

MR. MORAN: Thank you. You guys too.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Lucienne de Naie. To be followed by Richard Wainscoat.

MS. LUCIENNE DE NAIE [testifying on General Communication Nos. 22-1 and 22-2; Committee Report Nos. 22 2 and 22-5; Resolution No. 22-13; and Bill Nos. 17 (2022), 21 (2022), 23 (2022), and 24 (2022)]:

Aloha again. It's Lucienne de Naie and I'm going to try my video.

CHAIR LEE: It, it's working. We can, we can see you.

MS. DE NAIE: Yes, so far so good. Thank you all for being here this morning. I'd like to testify on behalf of Sierra Club Maui on GC 22-1 and dash 2. These are compliance reports that are usually just filed. But I don't know if folks have time to read them, but they don't tell the whole story.

On the 22-1, Makena Resort compliance, for instance Condition 10 requires pedestrian and, and bikeway plans. Well, the plan that's submitted is 11-years old. There are already zoned, rezoned parcels that were along the shoreline that have had permits applied for and yet there's no updated plan.

And we recently had reports of a section of the Old Makena Road that goes in front of the old Maui Prince that was reduced to a trail, you can't drive on it, being blocked. And pedestrian access to be, to it being blocked. And it's a major way that people kind of walk along the shoreline. So, I don't know if the Council has any way of really looking into what's said in this report and what really happens. But there, there should be a way, because it shouldn't just be up to citizen's filing requests for service.

Also, Condition 12, a pro rata share of the Piilani Highway upgrade. This is a big deal. The highway is supposed to be four-lanes all the way to Wailea before additional growth of any significance in Wailea and Makena and Wailea 670 happens. And instead, we're getting these backroom deals that are negotiated with the Hawaii Department of Transportation that provide little piecemeal parts of things rather than sitting everybody down and saying you've all got to contribute it to a bond and build this thing at once, which is what the EA for the project said would happen. So, the, this approach has never been examined in an environmental assessment, and yet everyone's holding up and said, hey, the environmental assessments done. But they're not doing what the assessment said was going to be done. In fact, this approach was never considered and never analyzed.

Also, on Condition 19, the monitoring programs for the marine life have really taken a step up. I have to say that, you know, Sierra Club and others did a settlement. And one part of the settlement was to get a new consultant to do these reports. And they're showing impairment in the waters. But the condition is written that the, the Department of Health has to request that additional studies would be done if impairments are shown. A quick fact, they never do. So, if this Council could, you know, write to the Mayor's Office and say, can, can we get something going so that these conditions start getting improved in our, our nearshore waters, so they're not, they're not experiencing loads of nitrogen and phosphorous and so forth in these studies.

And then, the last thing is the dust control and erosion during the recent storms, that's Condition 20. I was sent pictures of water from a pipe from the Makena Resort lands running right up the Thank you. Anyway, lots to say here. These compliance reports are not kind of a proforma that the box should just be checked off on.

Moving onto the 22-2, the H-2 compliance report. Condition 10 provides, once again, for this pedestrian bicycle access. Report doesn't mention that the new sidewalk it's going to build along Makena Alanui, as it's designed now, could actually wipe out one of the most important historic sites we have in Makena, the 'Aupuni Wall built by Kamehameha III. We need County cooperation. The landowners are willing to cooperate. We need County cooperation, and it should have been mentioned in this report, to make sure that the sidewalks widths are adjusted so that wall can remain.

Also, their Condition 17 and 18, having to do with historic preservation. Inadequate testing is being done on the H-2 site. And no new testing is being done in the lava flow areas. And yet, at least three burials were discovered immediately across the street in a parcel that, that was used to be under the same ownership and connects to this same land. It just, there's the Old Makena Road in between it. So, I, we're not going to be

surprised if there's quote unquote inadvertent burials. But there shouldn't be inadvertent burials, there should be adequate testing.

And also, the condition mentions that the preservation plan only needs to be approved before grading starts. That's a little late to start changing your construction plans if your preservation plans shifts, you know, after you get your SMA permit, it's hard to go back and amend that permit. So, even though that's the condition, the intent, if it is to preserve significant cultural sites, and this land although it's small, has some amazing and very significant cultural sites. There were several ceremonial used sites.

And then, lastly, water is not mentioned in any of the conditions. That this project plans to use 2,000 gallons per day, per unit for potable water, not even for landscape irrigation. That's a separate system for potable water. I just want to point out, if that much water was appropriated for Central Maui use, 265 affordable units could be utilizing that same amount of water instead of 53 luxury units in, in Makena.

I'm going to move onto Council Resolution 22-2. This is the first reading of the Water Use and Development Plan. And I'm testifying on behalf of the Haiku Community Association, as its president. Our association and our community does thank the Council and the staff of both the Water Department and the County Council support staff for putting in many long hours to try to improve the plan, try to update information, try to make some of the strategies really reflect our community values. This, this has been worthwhile work.

We are very disappointed at, that the provisions that are in our Haiku-Paia Community Plan, they're the same ones in the Hana Community Plan, did not pass an amendment vote to be added to the strategies. And we, we applaud those Councilmembers who were brave enough to think that the Water Department maybe was stepping over the line a bit to say that the plan would be pulled if that language was in. There's no conflict between the two community plans for South Maui and Haiku-Paia.

Haiku-Paia Community Plan does not say no water can be used in South Maui. The South Maui plan says we need to get water from other areas, such as East Maui. All the community plan says is that you need to serve the, the needs of these residents who live here first. No one in Haiku can propose an affordable housing project because you cannot get a water meter. They can drill a well, but that makes it a little expensive to have an affordable project, that you have to invest a million dollars to drill your own well, test your own well, and permit your own well.

So, we, we are very sad that this has not been seen in its true light. We are going to have to go the Water Commission. We're not going to bother you guys with 100 people testifying today. That doesn't seem to serve any purpose. We will go to the Water

Commission and make our case, because there are solutions so that everyone can have water. But this plan does not reflect them. Thank you for your consideration.

As a private individual, I would like to testify in support of Resolution 22-5 and 22-13, appointing two worthwhile people to serve on County boards and commissions. Mr. Kanahele is very knowledgeable about South Maui and its history and cultural matters, and will make a exemplary contribution to the South Maui Advisory Committee. Mr. Williams, who I know from the Stand Up Maui Board is, is a work horse on that board, and donates his time to many other worthwhile activities in the community and will be a very, very good addition to the Charter Commission, which requires members to do a lot of work.

Moving onto Bill 17. This is a bill to amend the Code to prohibit private restrictions on small scale agricultural uses and keeping of animals. This is something that comes up all the time where folks do ag subdivisions because they're cheap to do, they sell land to people with a variety of interests. Some people want to keep horses and want to keep chickens or want to keep sheep, and others think that they've brought, you know, a suburban piece of property that they can tell everybody not to have animals in their CC&R's. And that just isn't right. If it's ag land, ag activities should be allowed. So, thank you for making this clear in the Code. There, there are a number of conflicts. And it's, it's silly, you know, to start getting involved in these he said she said and taking up time that the Planning Commission and other places. Let's just make it clear and pass Bill 17.

Also, speaking in support on behalf of the Sierra Club for Bill 21 on amending the outdoor lighting ordinance, to make it clear that there are protections for seabirds. We would actually urge the Council to consider taking a further step. Sierra Club proposed as conditions of settlement for the Wailea 670 project, which has quite a bit of wildlife flying over it and wildlife living within it, that the Dark Sky Ordinance that was promulgated by the international electrical engineering brotherhood be adopted in several areas that are adjacent to preserves. And the reason for this being is the Dark Sky requirements set a light budget.

Simply shielding lights is okay, but if there's just a lot of shielded lights, there's still this big ambient light thing that can be seen. It's not in the birds' eyes and it's not, you know, directly affecting perhaps the, you know, the light that's being emitted skyward. But it is creating a vast sea of light. And most of our newer buildings do shield their lights, and still there's a lot of light escaping. So, the Dark Sky Ordinance actually saves energy. And it just, it mandates lighting be appropriate levels for what is needed for health and safety. So, that's maybe something that could be discussed in the future. And it's being adopted by many progressive communities, especially ones that have telescopes.

And then, moving onto Bill 23. This is a very useful bill to set benchmarks for energy and water use performance standards for public buildings. As we know we are the largest customer, the County of Maui is the largest customer for electricity. I believe that's still the case. It was when I worked as a Council aide. And anything that we can do to make our buildings more efficient in water and energy, saves the taxpayer money and certainly allows these resources to be used elsewhere and serve more people, the same amount of resources to serve more users. So, this is a good start. If we don't know how we're doing, it's a little difficult to improve.

And then, last but not least, Bill 24, which amends Title 19, having to do with standards in the B-2 Community Business District, and B-3, and P-1 and P-2 Public/Quasi-Public Districts. This 90-foot height level limit in the B-2 District. You know, many B-2 districts are right in the middle of urban areas. But in Makena, right next door to where the old Maui Prince grounds were, not the hotel itself but the north end of the grounds, is a B-2 district. And this district was, you know, put into place in the 1970's. And this is not an urban area. It's really quite a rural and, you know, laid back sort of area.

And to think that this would then allow buildings, you know, 90-feet tall. There are restrictions in the zoning, in the rezoning request for Makena Resort for B-2 areas. But this B-2 area is not subject to that rezoning. And I, I'm very concerned that without some assurances, that plans could change if this is passed and much more massive and large buildings with no setbacks from property lines etc., could just go into that tiny little, I think it's 12-acre B-2 district. So, I understand that this is really geared towards urban areas, but it could affect non-urban areas as well. Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. de Naie, for your extensive testimony. I don't know if maybe we need to make a press release on the new format. Some of those bills were not up for first reading, exactly. But that's for another time. I was wondering, I did not see written testimony on GC 22-1 and 22-2, and I was wondering if at all possible if you could send the comments that you made to, to me or, or because I believe these two are coming to my Committee. So, if, if you can send the comments that you made for written testimony to me, I can try and follow up before we get a chance to hear it in Committee on some of your concerns.

MS. DE NAIE: Thank you very much. And I probably will testify, and probably others will, at that time cause there's other folks tracking this. Do you have any idea when it will be coming to your Committee?

COUNCILMEMBER PALTIN: It'll come to my Committee today. But it probably won't get heard till after Budget. But if you can send your testimony in writing to me, we can try follow up before it gets heard in Committee. So, maybe we can have some more information--

MS. DE NAIE: Yes. Back and forth.

COUNCILMEMBER PALTIN: Yeah.

MS. DE NAIE: Very good. Thank you very much for that opportunity.

COUNCILMEMBER PALTIN: Thank you. And then, the other question I had was your comments on Bill 17. What we're actually doing today is referring it to Member Sinenci's Committee for more research, outreach, and discussion. And I'd love if you could be a part of that because it was kind of my proposal and we just weren't able to pass it out of my Committee to first reading yet, because there was request for more outreach and whatnot. So, I would love it if you could be part of that task force per say.

MS. DE NAIE: I, I would, Haiku is an area that has many of these people who feel that they shouldn't live next door to chickens and so forth. So, yeah, I, I would be happy to be part of that.

COUNCILMEMBER PALTIN: Awesome. Thank you. Thank you, Ms. de Naie. Thank you, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Member Paltin covered a couple of my questions. I just was going to talk about those two items being referred. And also, on, on the, the Bill 21, Lucienne, the seabird lighting, I wonder if you would be willing to work, because those will be coming to my Committee sometime next month, and if you could maybe work with Axel in my office, and Jay Penniman, to possibly work on an amendment that might include the Dark Sky issue?

MS. DE NAIE: I, I, I will send over the ordinance. And we, we try, whenever we do settlement agreements, to try to get that in, you know, with private landowners, because, you know, these large landowners can make a big difference when they, they have lands near the coast in the SMA district.

COUNCILMEMBER KING: Right. And we wouldn't be addressing the conditions of anything, any specific permit. But we could look at it in a general sense and maybe add some language.

MS. DE NAIE: Well, it's very important that the Code could reflect that, because otherwise even terms of settlement agreements, folks can say, well, we can't go against the County Code, so sorry, Charlie, you know, we're not going to do this. So, if, if it could be compatible that would be great.

COUNCILMEMBER KING: Okay. Great. Thank you for bringing that up. I really appreciate it.

MS. DE NAIE: Mahalo.

CHAIR LEE: Any more questions, Members? If not, thank you, Ms. de Naie, for your input and testimony. Have a great weekend.

MS. DE NAIE: You too. Thank you, guys.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify--

CHAIR LEE: I'm sorry. I missed, I think Member Sinenci has a question.

COUNCILMEMBER SINENCI: No questions, Chair.

CHAIR LEE: Oh, sorry. Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Richard Wainscoat. To be followed by Barbara Barry.

MR. RICHARD WAINSCOAT [testifying on Bill No. 21 (2022)]:

Aloha, Councilmembers. My name is Richard Wainscoat. I am an astronomer at the University of Hawaii, testifying on behalf of myself today. I use the Pan-STARRS telescopes atop Haleakala to search for, search the sky for dangerous asteroids, when they hit earth at some point in the future. The, I just wanted to testify in strong support of, of Bill 21 and encourage you to, to go a little further because I think as it's written it actually doesn't go far enough.

So, astronomy and the work that I do of searching the sky for, for dangerous objects, when they hit the earth, is strongly affected by the sky becoming bright. And as we look at, if you go to the top of Haleakala and look at the night sky, you'll see that the northwestern half of the sky is kind of much brighter than the southeastern sky. So, the population of, of, well, the population areas of Maui and the lighting associated with

it, have degraded the night sky as seen from Haleakala. Fortunately, the requirements for astronomy to protect the night sky and for the protection of endangered birds are very, very closely aligned. So, astronomy is, is hurt by blue light and it's hurt by a lot of light.

And so, I wanted to just highlight a couple of inadequacies in the, in the present lighting ordinance. The present lighting ordinance does not control blue light, basically at all, in existing lights. And it has a giant loophole, the metal halide lights. So, metal halide is just about as bad as mercury lights for birds and for astronomy. And it's, they, they are not presently required to be properly shielded. And basically, some, some businesses on Maui have just chosen to use metal halide lamps for lighting, because they, they're not restrictive. And I think this is a major problem for astronomy and for birds. And I'm happy to answer any questions. I'm going to kind of keep it short, cause I know you're on a tight agenda. Thank you.

CHAIR LEE: Thank you, Mr. Wainscoat.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Wainscoat. I really appreciate the input. And wanted to ask you if you were collaborating at all with Jay Penniman from the Seabird Restoration or . . .

MR. WAINSCOAT: Yeah, we are talking to each other very, very frequently. Our strategies for trying to deal with the lighting are very, very closely aligned. I've actually written a paper in the Scientific Journal about Maui's lighting, and I'd be happy to send that paper to you. It may be a little technical for the present discussion, but we, we've looked at this--

COUNCILMEMBER KING: Yeah, I would love to have that paper. And then, I would also love to be able to maybe bring you into that discussion as a resource when we get to that, when we schedule the item.

MR. WAINSCOAT: Thank you.

COUNCILMEMBER KING: Alright, thank you for being here. Thank you, Chair.

CHAIR LEE: Anymore questions for Mr. Wainscoat?

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you very much, Mr. Wainscoat, for your testimony. It was, wow, I just learned something today. So, so your testimony, if I understood it, almost seems as if, that the lighting that we have or that we are using whether it's a business or a residential area or some sort, that that particular lighting is not conducive to your studying of our skies, because the lighting is bad? Or it's not good? Or can you help me understand that please?

MR. WAINSCOAT: I can help you a little bit, but it might take a little bit too long for the, explain it in detail. So, one of the things that happened is, is in this rush to switch to LED lighting, the initially the very energy efficient LED lights had a lot of blue light in them. And a lot of places installed these blue rich LED lights. And those things kind of drive both the birds and the astronomers crazy. So, now, technology has moved on and, and we have energy efficient LED lighting that is not rich in blue light. So, that's one of the problems.

And I think compared to, so Haleakala may be the second best nighttime astronomy site in the world, behind Mauna Kea. But one of the things, one of the differences between Haleakala and Mauna Kea is that Maui is a smaller island and people live closer to the observatory. So, it's a, it's a fact of life basically, that the lights are going to affect the observatory a little bit more on Maui than they are on the Big Island.

CHAIR LEE: And then--

COUNCILMEMBER KAMA: So--

CHAIR LEE: Member, Member Kama?

COUNCILMEMBER KAMA: Yes?

CHAIR LEE: We're going to, this matter will be referred to Committee, so.

COUNCILMEMBER KAMA: Oh, okay. Okay, Chair. Thank you.

CHAIR LEE: . . . at that time.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: Do you have any more clarification questions?

COUNCILMEMBER KAMA: No, I think I'll wait till it goes to the Committee. Thank you, Chair.

CHAIR LEE: Thank you.

MR. WAINSCOAT: Thank you.

CHAIR LEE: Any more questions, Members? If not, thank you very much, Mr. Westcoat *[sic]*.

MR. WAINSCOAT: Thank you.

CHAIR LEE: Wainscoat. Sorry, for butchering your name.

But Mr. Clerk, next testifier please.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up is Barbara Barry.
To be followed by Lisa Darcy.

MS. BARBARA BARRY (testifying on Committee Report No. 22-2):

Aloha, Chair and Councilmembers. How's everyone today. Happy Aloha Friday. I'm here with my grandson, I'm on tutu duty today and he's going to cooperate with me while I give my small testimony. My name is Barbara Barry. I have a small organic farm here in Haiku and I'm not a lobbyist. I'd like to testify on Resolution *[sic]* 22-2.

First of all, I want to thank the Agriculture and Public Trust Committee staff for all their hard work. I, I do appreciate that much of the language in the strategy section was really improved. The language in the Kula sector about the Haiku Well Strategy is what I'm concerned about because it's basically saying that we have studies to do, but then this is our plan for the future, water supply in Central and South Maui.

What a plan like this really should say is that we have studies that we need to do to find out if this could be a major water supply. And if it doesn't prove feasible, then we need to have other options to look at. So, it looks like folks like me are concerned that this is the main plan that the County water plan is offering and that we'll need to take our concerns to the State Water Commission. We don't have assurances that the necessary fact finding will be comprehensive enough to fully understand the aquifer, how the aquifer in Haiku area gets recharged and how long that actually takes. Without having accurate rainfall data and climate change modeling, many crucial factors will be missing.

I believe a comprehensive study of all of our perennial and seasonal streams in Huelo and Haiku need to be fully understood with streamflow standard observations. And

yeah, I'm just really concerned that we don't have the kind of guarantees that we need to make sure that the water is not being diverted without our knowledge. So, I really appreciate the opportunity to testify on the Zoom today. It makes my life a lot easier. And I mahalo you all for your time today. Thank you.

CHAIR LEE: Thank you, Ms. Barry. Questions, Members? If not, thank you very much.

MS. BARRY: Mahalo.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Lisa Darcy. To be followed by Vera Sredanovic.

CHAIR LEE: Good morning.

MS. LISA DARCY, SHARE YOUR MANA (testifying on Committee Report No. 22-6):

Nice to see everyone. My name is Lisa Darcy. I'm the founder of Share Your Mana. I'm a commissioner on Healing Solutions for Homelessness and I'm still trying to get that coveted lobby position. It hasn't come yet. So, until then, it was really beautiful to hear the testimony for the saving the wetlands. I've been following them and its a, it's wonderful to hear how we're starting to put the pieces together that really serve the land. And one of the pieces that I've always tried to bring to this, this Council is how to also, with the same dignity and respect and oneness, that we need the land healthy. We need all of our community members healthy as well.

So, I would like to testify on CR 22-6, relating to the alcohol prohibition in certain parks and recreational facilities, I think specifically historic districts in Lahaina. In last week's testimony, I recall, I believe the bill was initiated to try to deter disorderly conduct. And I'm not a fan of disorderly conduct myself. But I try to really look at it through the lens of why it's happening and what is the best way to manage things like this and what is most cost effective. So, after reviewing this and if I'm not up to speed on this, I will look forward to more conversation. But it seems to unfairly put unhoused residents and those in poverty at a higher risk of penalties and fines.

I've been in the court system a lot in the last couple of months, and really over the last year, trying to help people navigate the system when they get fines. It's brutal. It's brutal. I actually want to drink afterwards. And I have to tell you that if we are not aware of how this will disproportionately affect that community and the cost it's associated with, then I believe this needs to be tabled and reexamined.

People with finances can go home and pop a beautiful bottle of wine, sit back, drink until their blitzed, scream at their family, hit each other. And that's completely legal because they're in their house. And I just want to make sure that people who are unhoused have the same protections or the same abilities that, that housed people have.

And more importantly, I'd like to see that this energy be put towards proactive solutions and not reactive solutions. And I think that just by identifying certain areas, that right there, I think I would be more behind it if it was for everywhere, but not just certain areas, again. And again, I understand the thinking behind it. But again, I want to address the root causes, and this certainly does not seem to provide any energy or supports to the root causes. I think bottom line, it's just going to compound the financial issues for individuals and the tax and our taxpayers.

So, I would urge you to put this, and the estimated money, has anyone estimated how much money this will bring in? I'd love to see that put into proactive alcohol reduction programs. So, thank you.

CHAIR LEE: Thank you, Ms. Darcy. Are, do we have any questions for the testifier? If not, thank you very much. Good seeing you.

MS. DARCY: Thanks.

DEPUTY COUNTY CLERK: Next individual we have signed up to testify is Vera Sredanovic. To be followed by Robin Knox. Chair, Robin Knox is the last individual we have signed up to testify. If there are any other individuals connected to the meeting who have not testified but wish to do so, please let us know in the meeting chat now. Thank you.

MS. VERA SREDANOVIC [testifying on Bill No. 1 (2022)]:

Council, thank you so much for spending so much time on this so unimportant issue when compared to all the other big issues that you have to face.

CHAIR LEE: Can you please state your name? Please state your name.

MS. SREDANOVIC: Oh, sorry, sorry. My name is Vera Sredanovic and I'm testifying on Bill 1 (2022). The only reason for my testimony today, because you really did everything you, you had in your power, is just to provide you with more information, and I guess express my disappointment that none of the violations were documented.

So, you, you ser, you've seen the proofs, the neighborhood testimonies, and you also heard Dragon Fruit Farm owners claiming that they did nothing wrong. Unfortunately, Planning Department believed them. So, these owners have a long history of misrepresenting facts. And to me, the most outrageous one is the claim on their permit application to you stating that they have 15 acres, while in fact they never had more than 5. Currently, they only have 2.5, which out of 27.5 acres land is, you know, extremely small. And that already violates bill section, this bill section 2, condition 5, which could result in revocation of this conditional permit, according to Maui County Code, Section 19.40.08.

So, most recently, Crystal stated to County Council that they now only have six kids living at the farm at the cottage. Well, we found out and I heard unfortunately, by being awoken at one a.m. in the morning, that they have at least 10 in the cottage and more of them live in the gift shop and vans on the property. It's difficult to say how many exactly they have now, but I'd say it's at least 15. Bright lights can be seen at, at night, every night after the farm hours, at the gift shop, and at the cottage too. And that, of course, disrupts the dark sky. And that's on top of the December 2 wedding, when they had extremely bright lights also that they used. That was after our last meeting, when they knew, well, they knew that they can't use them, but they still do.

So . . . hours, these kids are making a lot of noise. Just this Wednesday, two nights ago, I was awoken at one a.m. by screaming coming from the farm. And I had to call the police again, which I hate doing. So, Dragon Farm gets new unpaid kids on a regular basis. And just this past week, they had a new bunch come up. They're young and want to party, so it's not their fault. I understand that they have, you know, strong hormones. And police calls will not slow this problem. There's new kids coming all the time. They're not aware. I don't blame them. I blame these landowners who are enabling this unsupervised overcrowding of kids on their property.

Crystal also stated that kids staying at the cottage will now get paid small wages and sign subsidized leases. But these kids stay at a farm much less than one year. And that also is considered TVR violation. On top of those weddings that they conduct at their, at the cottage. As of today, I did not see . . . at the property.

CHAIR LEE: Can you please conclude your testimony please?

MS. SREDANOVIC: Yes. So, I said, I didn't see any cameras installed, like you guys requested. So, that, I'm going to stop now. I know you guys are busy. So, thank you so much.

CHAIR LEE: Thank you. Members, questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I was going to ask about the cameras. But I also think because, when we get to this issue, we've all gotten new information on this property. If we could, if we could ask our testifier to be a resource when we get to that, if there's no objections.

COUNCILMEMBER PALTIN: I object. This matter was discussed in Committee. If you want to recommit it, that's one thing. But it was thoroughly discussed in Committee.

COUNCILMEMBER KING: Right. But we have new information that the, the items that we had talked about were not happening. So, I don't know if that's a . . . or.

COUNCILMEMBER PALTIN: It's a testimony. If you read the last testimony, there's evidence of the cameras being installed.

COUNCILMEMBER KING: Yeah, I didn't see that one. I'm okay. I'm, I'm probably not going to support this going forward based on not knowing exactly what's happening.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. For our testifier, Ms. Sredanovic. On these latest rounds of concerns, did you call, besides the police, did you try to contact someone from the Planning Department? And if you did get a response, can you tell us what you received from them?

MS. SREDANOVIC: I did contact Planning Department, because I didn't want to bug you guys. You spent already so much time. So, I emailed Michele McLean with the video proofs. And I also included Tamara, because I know she, she's the one bringing it from the Planning Commission. I have not heard of anything. I did hear from Michele that, only on one item, and I sent the proofs on multiple from conditional use permit. Only on one item she responded that they didn't violate that one. But I know that they didn't have any written support, I mean, any written violations presented to you. And you depend on them and on their advice. So, that, that was a concern to me, because then this request for service process seems to be futile. And that's what I heard from a lot

of people in the community. They don't want to use it, because they feel nothing comes out of it, so the people just give up.

COUNCILMEMBER MOLINA: Okay. Alright. Thank you very much for your responses. Thank you, Madam Chair.

MS. SREDANOVIC: Oh, thank you.

CHAIR LEE: Any more clarifying questions? If not, thank you very much for your testimony.

Mr. Clerk.

MS. SREDANOVIC: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Robin Knox. To be followed by Faith Chase.

MS. ROBIN KNOX [testifying on Committee Report No. 22-5; and Bill Nos. 1 (2022) and 21 (2022)]:

Aloha. My name is Robin Knox. And I'm sorry, my camera is not working. And also, apologize that I couldn't join you earlier for the wetland resolution. I want to testify on CR 22-5, Bill 1, and Bill 21.

On CR 22-5, I just want to say that I support Daniel Kanahele being appointed. And that in addition to everything that it says in the resolution that Mr. Kanahele, when I was watershed coordinator for the southwest Maui watershed 2009-2011, he was a very faithful member of the watershed advisory committee, steering committee, advisory group steering committee. He showed up for the many, many meetings. We had over 100 people attend 40 meetings over two years to develop that plan. And so, you know, given what's happened in South Maui recently with so much flooding that are related to the watershed condition, that's one additional value of having Daniel in that position.

With regard to Bill 1 with the Maui Dragon Fruit, I really support the idea of agricultural, you know, entities, being able to have the kinds of activities that they have proposed. I also could really appreciate the comments of the previous testifier and the need for special use permits to, you know, be adhered to and to be well thought out. I would, if it is true that having woofers or people, young people who want to come farm, therefore, short terms, if that is indeed a violation of County Code, that that be looked into and

that be resolved. Because there's great value to our County to having young people be able to go on the farms, help the farmers, and learn to be farmers themselves.

With regard to Bill 21, on the lighting. I strongly support this, as well as support the kind of improvements that Mr. Wainscoat was talking about. I'm not an expert on the lighting, but I do trust in what he said. And I want to point out that especially out in Makena and further out at . . . and out at La Perouse, I have noticed a great increase in what I consider obnoxious lighting in, in the past year. And it bothers me and makes it where I can't see the stars as an amateur star watcher. And I feel certain that this, you know, is a problem for the birds as well. And after, you know, reading what this bill would require, I think some of that lighting would not comply. So, I do support moving forward to reducing the light pollution in our County to protect birds and other values that the community has. Thank you for allowing me to testify.

CHAIR LEE: Thank you. Members, any questions? If not, thank you very much, Ms. Knox.

DEPUTY COUNTY CLERK: The last person we have signed up to testify is Faith Chase.

MS. FAITH CHASE (testifying on Committee Report Nos. 22-2, 22-5, & 22-6 and Resolution No. 22-7):

Good morning, Chair Lee. Good morning, Council. First of all, I guess I just, if I had a logo, it would probably look like a broken record. But I'm going to speak on 22-2 on the WUDP. I'm going to say it again, while I appreciate this clarity because the lines of communication with the Mayor's Administration seem to be shaky on many issues, I really appreciate the fortitude of this Council putting forward that correspondence and going, and making that reach to BLNR Suzanne Case, DLNR, all that. At the end of the day, you will find that it is in fact your water to, to hold in perpetuity for the people.

Over time, I'm not going to go nana nana boo boo I told you so, but it's going to happen. So, I just need that to be on public record. The County is there to protect the water, the lands around the water sources, the delivery system, all of it. At the top of the end of their lease, A&B, which is now Mahi Pono, which has been ridiculed as Mahi Poho. At the top, at the end of their lease, that is when Maui County should have stepped in, because those lands were left, those are crown lands to be used for the government to the service of the people, and that is you guys. Thank goodness we have counties to do that. So, I just need that to be on record. And when, if you have any difficulty with a response from BLNR, it won't incite a riot, but it will, it will incite huge amounts of support from your people to back you up in, in clarifying all that. So, that's that.

I need to say something about the 22-6. You know, I've been following the lead of the founder, owner, operator of the nonprofit Share Your Mana Lisa Darcy. I'm amazed at her skillset, her experience. And I'm going to have to follow suit, even though like I've mentioned before in Committee, I was the student of SADD, which is Students Against Drunk Driving in high school. I followed MADD, Mothers Against Drunk Driving when Mrs. Stodd ran it for years. I have gone to the Liquor Commission to shut down new bars near schools. I've done all of that. I'm a, I was there when they wanted to raise the, to lower the drinking age. I've been a participant in Liquor Commission many, many times. All that being said, you need to step very carefully with just giving tickets and citing people. If that's going to happen, then those people are not, have secure places to sleep. Then it's imperative that the Liquor Commissions try to create some sort of mechanism where they can get advice to the Police Department about community policing and step carefully in this area. I'd just like to get that on the record.

I'm super excited about the wetlands 22, is that dash one, dash seven. You know, equal to the Wetlands Day, I guess it would be par for the course for us to start celebrating mangroves. Mangroves help to mitigate the effects of climate change and extreme weather events. And all of my teachers, and farmers, and biologists that I've, all the kumu I've had for the last 10 years have never, have been so adamant in, in expressing that, how important mangroves are. And also, kalo, loi kalo, they're the kidneys of the watershed. So, those two things.

I want to speak in favor of 22-5 for Mr. Daniel Kanahale. How lucky are we that we have such great stewards and grounded community give back people? I'm super excited to see him on the South Maui Advisory Committee. Thank you.

CHAIR LEE: Questions? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. And I share your support of mangroves. But I'm sure you meant in the right place at the right time, right? Cause it's like one of our biggest threats to our loko ia.

MS. CHASE: Yeah, it's a delicate balance. You know, I think this continental, continental if we were part of the United States, mangroves have actually bigger, different kind of needs. But yes, I see what you're saying.

COUNCILMEMBER PALTIN: Okay, cool. Thanks.

CHAIR LEE: Other questions? If not, thank you, Ms. Chase.

MS. CHASE: A hui hou.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Crystal Schmitt.

CHAIR LEE: Ms. Schmitt?

MS. CRYSTAL SCHMITT [testifying on Bill No. 1 (2022):

Aloha. Can you see me?

CHAIR LEE: Yes.

MS. SCHMITT: Okay. Thank you, Councilmembers and Chair. I just want to say that first of all, we all, withdraw our permits for the sake of peace. Second, camera has been installed. We forwarded the pictures to Tamara, so that was done. Third, when people talk about police report, please read the actual report. It's nothing, you know, done. Also, as far as the request for service, Planning Department has come inspected. Building department has been inspected. Everybody, electrical is inspected, plumbing is inspected, everybody came inspected us. At this point, we have zero violations, everything is permitted, everything is done, all the RV out of there. So, I just want to thank everybody for your support.

A lot of things are not factual. I'll give one example. I'm not going to go through the details, because the request for the service is three pages long. For example, one item mentioned that we intruded her property. Turns out after, what happen is used to be a fence clearly marked the boundary. But the fence was burned down in the fire. So, maybe the property owner was not aware of that fence before, so he make the claim.

When my neighbor, my dear neighbor Ms. Vera, lovely lady, finally hired a professional surveyor to do the survey, turns not only we never intruded . . . inches of her property, some of her coconut trees planted by the landscapers, actually on our side. We really don't want to go there. We want, you know, to be a good neighbor with our neighbors.

And then the kids are very, very helpful. They're so timid. I mean, they, they're not rowdy. We make very clear no noise after 10 p.m. So, I just want here to say that we, we try our best. We continue to work hard. We continue to expand our farm and do a better job. And we just want to make sure you guys know that we have all intention to do our best as a good neighbor, good farmer. Thank you.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

Mr. Clerk. Oh, do you have a question, Member Paltin?

COUNCILMEMBER PALTIN: Yes, please.

CHAIR LEE: Oh okay. Crystal, are you still there?

MS. SCHMITT: Yes.

CHAIR LEE: Ms. Schmitt? Okay.

COUNCILMEMBER PALTIN: Thank you. I did receive the video surveillance information and I submitted it as written testimony. It's the last item. I just wanted to verify that the audio also works.

MS. SCHMITT: Yes, it does. Both of them. And we can read them from our phone.

COUNCILMEMBER PALTIN: Okay.

MS. SCHMITT: Its motion sensor detected. The ones that have the motion, it shows up on your phone immediately.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any more questions, Members? If not, thank you very much, Ms. Schmitt.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other testifiers signed up. If an individual connected to the meeting who has not testified, but wishes to do so, please let us know now. You can, you can unmute and identify yourself. This is our last call for testifiers. If anybody who has not testified would like to do so, please inform us now. Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Members, are there any objects to receiving the written testimony into the record and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

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

1. Vera Sredanovic;
2. Crystal and Larry Schmitt;

3. Jeff Anderson;
4. Shauna Buckner; and
5. Lisa Jarrell.

CHAIR LEE: No objections? So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 5, 2021 was presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES READ BY THE CLERK.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the regular minutes of November, 2021.

Any discussion? If not, roll call.

DEPUTY COUNTY CLERK: Proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Thank you. Shall we proceed to county communications? Oh, the, action on the Consent Calendar. Sorry.

DEPUTY COUNTY CLERK: Yes, Chair, proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 22-19 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 10, 2022)

Relating to the reallocation of a Purchasing Specialist II to Purchasing Specialist IV in the Department of Finance.

NO. 22-20 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 12, 2022)

Transmitting the annual report of all acquisitions made, and conveyances accepted, for calendar year 2021.

NO. 22-21 - ROWENA DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,
(dated January 10, 2022)

Transmitting a copy of the Cost Sharing Agreement for the construction of a traffic roundabout for the intersection of Maui Lani Parkway and Kamehameha Avenue, along with a copy of the check received from Maui Lani Partners for the agreed upon pro rata share contribution of \$610,340.

NO. 22-22 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS,
(dated January 3, 2022)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Nutrition Services Incentive Program in the amount of \$23,484.

NO. 22-23 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated January 5, 2022)

Transmitting a copy of the grant agreement from the State of Hawaii, Department of Transportation for the Maui Prosecutor's Office Impaired Driving program in the amount of \$63,413.50.

CHAIR LEE: Alright. Shall we go back to 22-16 or, or take the motion on the Consent Calendar now? Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, I believe the body would deal with the Consent Calendar first, and then afterwards, we can return to those items that were removed from the Consent Calendar.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez for the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL THE ITEMS ON THE CONSENT
CALENDAR.

And I, I doubt there will be any objections to that.

CHAIR LEE: Okay.

COUNCILMEMBER KING:

SECOND THE MOTION IF WE COULD FOLLOW IT WITH OUR
MORNING BREAK.

CHAIR LEE: Alright, Mr. Clerk, roll call. Let's finish that, since she had a second. Moved by Member Vice-Chair Rawlins-Fernandez, seconded by Member King, to accept the entire Consent Calendar.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call. The motion is to file all items on the Consent Calendar.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Kelly Takaya King.
COUNCILMEMBER KING:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	AYE.
DEPUTY COUNTY CLERK:	Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA:	YES.
DEPUTY COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.
DEPUTY COUNTY CLERK:	And Council Chair Alice L. Lee.
CHAIR LEE:	AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Okay, very good. Members, should we take a break now and let's see, return at 10:50? Okay? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:35 A.M., AND WAS RECONVENED AT 10:52 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of January 21, 2022, please reconvene.

Mr. Clerk, let's resume where we left off.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 22-16 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated January 7, 2022)

Transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending December 2021.

CHAIR LEE: Member Sugimura. You're muted. You're muted.

COUNCILMEMBER SUGIMURA: Apologies. So, I'd like to ask that this be referred to my IT Committee please.

CHAIR LEE: Any objections, Members? Okay.

Yes, Member Molina?

COUNCILMEMBER MOLINA: Madam Chair, sorry, I didn't get the audio portion of it. What, what item was that again from Member Sugimura?

CHAIR LEE: 22-16.

COUNCILMEMBER MOLINA: Oh, okay. No objection.

CHAIR LEE: County Communication 22-16. Okay. We don't have to take a roll call because she's done this before and you've never objected. So, if there are no objections, we will refer this matter to the IT Committee.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay. Any objections? Okay, so ordered.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Mr. Clerk.

NO. 22-17 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated December 20, 2021)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2022 Fund as of November 30, 2021.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request CC 22-17 and 22-18 be referred to BFED? 22-18 hasn't been called up by the Clerk yet.

CHAIR LEE: Okay. Clerk, can you call up 22-18?

DEPUTY COUNTY CLERK: Yes.

NO. 22-18 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 6, 2022)

Transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2022, from October 1, 2021, to December 31, 2021.

CHAIR LEE: So, any objections referring this, these two items to the BFED Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Thank you.

Mr. Clerk.

NO. 22-24 - YUKI LEI K. SUGIMURA, CHAIR, INFRASTRUCTURE AND
TRANSPORTATION COMMITTEE, (dated January 14, 2022)

Transmitting a proposed amendment to the proposed resolution entitled
"AUTHORIZING A GRANT OF EASEMENT FOR ACCESS AND UTILITY PURPOSES
TO WAILELE RIDGE OF MAUI, LLC, AND THE ACCEPTANCE OF GRANTS OF
EASEMENTS FOR ACCESS FROM WAILELE RIDGE OF MAUI, LLC AND MAUI
LAND AND PINEAPPLE COMPANY, INC.".

CHAIR LEE: Alright. So, Member Sugimura. Yes.

COUNCILMEMBER SUGIMURA: Thank you. I'd like to request to file this communication
please.

CHAIR LEE: Second? Is that a motion?

COUNCILMEMBER SUGIMURA: Yeah.

I MOVE TO, YEAH, FILE THIS COMMUNICATION.

It's amended.

CHAIR LEE: Okay. Second?

COUNCILMEMBER SUGIMURA: I need a second.

CHAIR LEE: So, we can get a discussion.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Seconded by Member Paltin.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Yeah, thank you. So, I have Corp. Counsel standing by to explain, but it was determined that this amendment is not needed and the resolution that you'll see further in our discussions under 22-24 stands. It's correct. There's no amendment needed.

CHAIR LEE: Okay. Maybe you'll just want to say what was the amendment about, just so people know.

COUNCILMEMBER SUGIMURA: Oh, it was changing the square footage--

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: --in the tax map key. So, it was determined that it's correct. It's not needed to make that change of square footage.

CHAIR LEE: Any more discussion or questions, Members? If not, all those in favor of the mo--

Roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Council Vice-Chair, oh, apologies.

Presiding Officer Pro Tempore Tasha
Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-
Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Thank you.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Mr. Clerk.

NO. 22-25 - MICHAEL J. MOLINA, CHAIR, GOVERNMENT RELATIONS,
ETHICS, AND TRANSPARENCY COMMITTEE,
(dated January 14, 2022)

Transmitting a proposed amendment to the proposed resolution entitled "RELATING TO THE APPOINTMENT OF JOAQUIN FREITAS, JR. TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI".

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. If there are no objections, can we have County Communication 22-25 taken up at the same time as GREAT Committee Report 22-4?

CHAIR LEE: Certainly. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Take it up then.

COUNCILMEMBER MOLINA: Thank you.

(See pages 55 through 59 for discussion and action.)

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications and general communications for referral. The following county communications and general communications are recommended for referral to your Planning and Sustainable Land Use Committee.

NO. 22-26 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated January 7, 2022)

Transmitting the 2021 Annual Status Report on the Implementation of the Countywide Policy and Maui Island Plans.

The recommended action is that County Communication No. 22-26 be referred to the Planning and Sustainable Land Use Committee.

NO. 22-27 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated January 7, 2022)

Transmitting the 2021 Annual Status Report on the Implementation of the Maui County Community Plans.

The recommended action is that County Communication No. 22-27 be referred to the Planning and Sustainable Land Use Committee.

GENERAL COMMUNICATIONS

NO. 22-1 - BRYAN ESMERALDA, SENIOR ASSOCIATE, MUNEKIYO HIRAGA,
(dated January 5, 2022)

Submitting a document entitled "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA", on behalf of Makena Golf & Beach Club Owners, in accordance with Condition 22 of Ordinance 3613.

The recommended action is that General Communication No. 22-1 be referred to the Planning and Sustainable Land Use Committee.

NO. 22-2 - YUKINO UCHIYAMA, SENIOR ASSOCIATE, MUNEKIYO HIRAGA,
(dated January 5, 2022)

Submitting a document entitled "CHANGE IN ZONING ANNUAL COMPLIANCE REPORT FOR PARCEL H-2 (LOT 19) (TMK NO. (2) 2-1-005:085)", on behalf of H2R, LLC, in accordance with Condition 22 of Ordinance 3613.

The recommended action is that General Communication No. 22-2 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Members, any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-2 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. That Bill 14 (2022), entitled "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That County Communication 19-162, from the Director of Water Supply, be FILED;
3. That Committee Report 20-128, from the Water, Infrastructure, and Transportation Committee, be FILED; and
4. That the Miscellaneous Communication, from the County Clerk, referring the matter relating to the Water Use and Development Plan for the island of Maui.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo Chair.

I MOVE TO PASS BILL 14 ON FIRST READING, FILE THE COMMUNICATIONS, AND FILE COMMITTEE REPORT 20-128.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Member Sinenci, seconded by Member Sugimura, to approve the recommendations in Committee Report 22-2.

Discussion, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Your APT Committee met 15 times this term to discuss adopting an update to the Maui County Water Use and Development Plan.

In previous terms, the Council's Water and Infrastructure Committee; Water, Infrastructure, and Transportation Committee; the Environmental, Agriculture, and Cultural Preservation Committee met on the proposed update as well.

In Section 174C-31 of the Hawaii Revised Statutes, requires each County to prepare a water use and development plan, adopt the plan by ordinance, and update the plan as necessary.

Section 13-170-32(b)(3), under Hawaii's Administrative Rules state: "Each water use and development plan shall consider a twenty-year projection period for analysis purposes."

Committee noted that the Council adopted the Maui County Water Use and Development Plan by Ordinance 1948 (1990), which was subsequently approved by CWRM as part of the Hawaii Water Plan. Your Committee further noted that Maui Island has not approved a Water Use and Development Plan since that time.

By Ordinance 3804 of 2010, the Council proposed an update to the Water Use and Development Plan for part of Maui, but the update was not approved by CWRM.

This Draft Maui Island Water Use and Development Plan update was initiated by the Department of Water Supply in 2015, after years of drafting, revising, community input, workshops, presentations, outside consultation, and Board of Water Supply review. The initial draft was transmitted to the Council in March of 2019.

The original deadline for the Council to pass the Maui Island Water Use Plan, Water Use and Development Plan Update was September 18, 2019. But as provided in Section 14.02.040, Maui County Code, the Council extended the time to pass the proposed update five times after receiving continuous and extensive public testimony requesting more thorough reviews and revisions to the proposed update.

Through this process, the Committee was able to incorporate major revisions, including incorporating the "Addendums" section throughout the corresponding areas of the document; adding information on Native Hawaiian water and cultural rights, including information on Public Trust Doctrine, riparian rights, correlative rights, kuleana rights, konohiki rights, the duty of State agencies to protect Native Hawaiian traditional and customary rights were included in the "Ka Pa'akai Analysis" section and a new section, entitled "Historical and Cultural Context of the Regulatory System," according to input from the 'Aha Moku Councils. We also added the Consent Decree and the Board of

Water Supply TIG Report, dated October 17, 2019, as amended, and approved on December 19, 2019, regarding the feasibility of purchasing and maintaining the EMI Water Delivery System to the appendices. Members, we also added strategies to each aquifer sector area, Part II: Water Resource Adequacy, Island Wide Strategies & Recommendations to address the concerns of the various community groups.

Your Committee also discussed additional strategies which were not incorporated into the Plan, including requiring that all water needs are met in the Ko'olau Aquifer Sector Area prior to allowing water to leave the region.

The Department of Water Supply said removing long-term directions for water source to any region would create a gap in the Plan which, if left unfilled, could cause CWRM to deem the Plan incomplete and reject the Council's proposal.

Your Committee supported the update to the Water Use and Development Plan for Maui Island and acknowledged the collaborative efforts from the public, Administration, State agencies throughout the review process.

Chair, you Committee voted 7-0 to recommend passage of the revised proposed bill, approved as to form and legality by the Department of Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions. Attached to the revised proposed bill is the revised document entitled "Maui Island Water Use Development Plan DRAFT". So, Members, I ask for your full support on my motion.

CHAIR LEE: Very good. What an ambitious plan.

Members, questions? Comments? If not, Member Paltin and then Member Johnson.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to express my appreciation for Member Sinenci. I know it's not second reading but, you know, famous quote says, "whiskey's for drinking and water's for fighting". And you know, we sure did duke it out over some of those motions in the Water Use Development Plan. And just, you know, what a monumental feat. I know it sometimes been compared to the West Maui Community Plan, but our book was this big and his book was like this big. So, just wanted to give props to Member Sinenci on such a controversial issue, especially here in Hawaii nei. Excellent job.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'd like to ditto Councilmember Paltin's points she made there. You know, 15 times, we met. And it wasn't with, without

Councilmember Sinenci's leadership and his willing to work with the community. He spearheaded a great ambitious plan. I stand in strong support of this, so thank you so much. Aloha, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I don't know what else I could add, but I'll just echo Member Paltin, Member Johnson's comments that this was a huge effort. And I appreciate the diligence of Councilmember Sinenci and the way he went about it. And also, making sure that everybody's voice was heard in, in addressing some of the issues that have not previously been addressed in the Water Use Development Plan. And especially looking at the potential for the County taking over the EMI lease and putting that, that issue into the Water Development Plan, because I think, to me, that's one of the biggest issues and you addressed it where it hasn't been addressed before. So, thank you for your leadership, Councilmember Sinenci. And I stand in full support of the plan.

CHAIR LEE: Any more comments or questions?

Member Sugimura. You're muted again.

COUNCILMEMBER SUGIMURA: So, yeah, I wanted to extend my appreciation to Mr. Sinenci for taking this through. I think it started off with Alice, and then turned over to my Committee, and then to yours. And I, I will tell you that in my experience when I was trying to pass this plan out, we were not successful in being able to reach groups that you were, so appreciate you doing that and bringing their voice forward and including that in the discussion. So, thank you very much.

CHAIR LEE: Well said.

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. And I too would like to give my comments to the APT Committee Chair. I am not a voting member of that Committee, although I am a member of the Committee, but a non-voting. But I just wanted to share that, you know, in my early days when I was living in Waimanalo, the whole issue back then was the Waiohuli, Waiahole water that was going on, on that side of our island and for years, and years, and years, and years of fighting for that.

And so, when I got onto this Council and I realized what the water and how we had transferred from you, to Yuki, to, to Shane, and all the great strides that have been made in a short amount of time. This is a short amount of time to develop what this

Council has done in the past three years. And I'm really so proud to be a Member of this Council in terms of acknowledging, you know, where we are in terms of water as a public trust, and where we are in moving forward in terms of controlling our own destiny for our future. So, props, kudos, mahalos to you, Member Sinenci. And holomua. Thank you, Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I will join my colleagues and echo all their sentiments. You know, Pro Temp Kama is absolutely correct, this is groundbreaking. And it, it really is due to your leadership in incorporating so many voices that have fell silent, to make sure that, you know, that their manao, their ike is evident throughout the plan. E ola ika wai. Mahalo, Member Sinenci. Mahalo, Chair.

CHAIR LEE: Very good.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Well, I, I want to join my colleagues in this morning's lovefest of Mr. Sinenci and his chairmanship of this Committee and taking on such a very, very difficult topic. And as Member Paltin's saying goes, it certainly holds true for all communities. What was that "whiskey is for drinking and water is for fighting?" Although it sounds somewhat humorous, but it is true. And thank you, Mr. Sinenci, for being very patient with the public and hearing from all sides, and making sure all the dies, "i's" are dotted, and "t's" are crossed and what have you. So, great job. I stand in full support. Thank you, Madam Chair.

CHAIR LEE: Thank you. And of course, I support everything that has been said about you and all the work you've done, Mr. Sinenci. Therefore, everybody ready for the vote? All those in favor of the motion, well, sorry, roll call.

COUNCILMEMBER MOLINA: Roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

COUNCILMEMBER SINENCI: Thank you, Members.

COMMITTEE REPORT

NO. 22-3 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-8, entitled "RELATING TO THE APPOINTMENT OF KAPONO KAMAUNU TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT RESOLUTION 22-8.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: 22-8? Okay. Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GREAT Committee met on January 4, 2022, to discuss a proposed resolution relating to the Mayor's nomination of Kapono Kamaunu to the Maui County Cultural Resources Commission, for a term expiring on March 31, 2022, due to the resignation of Tanya-Lee Greig.

The Council has until January 22 to approve or disapprove the nomination, otherwise the nomination will be deemed approved.

Your Committee interviewed Mr. Kamaunu. And Mr. Kamaunu is a hula entertainer employed with Nā Hoaloha 'Ekalu, and the owner of Na Kani O Hula LLC. He was also a hula teacher at Haleakala Waldorf School and a part-time naturalist with the Maui Ocean Center. So, based on his background and experience in cultural preservation, your Committee voted 8-0 to recommend the nomination be approved. Thank you, Madam Chair.

CHAIR LEE: Anymore discussion? Roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Kelly Takaya King.
COUNCILMEMBER KING:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	AYE.
DEPUTY COUNTY CLERK:	Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA:	YES.
DEPUTY COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.
DEPUTY COUNTY CLERK:	And Council Chair Alice L. Lee.
CHAIR LEE:	AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Very good.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Proceed.

COMMITTEE REPORT

NO. 22-4 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-9, entitled "RELATING TO THE APPOINTMENT OF JOAQUIN FREITAS, JR. TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

DEPUTY COUNTY CLERK: Chair, County Communication 22-25 is also before the body at this time.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-9.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Kama, to adopt Resolution dash, 22-9.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Governance *[sic]* Relations, Ethics, and Transparency Committee met on January 4, 2022, to discuss a proposed resolution relating to the Mayor's nomination of Joaquin Freitas, Jr. to the Public Works Commission for a term expiring on March 31, 2024, due to the resignation of John Blanchard.

Council has until February 13, 2022, to approve or disapprove this nomination.

And your Committee interviewed Mr. Freitas. And he is a self-employed business owner who has a great understanding of County operations having previously served on the Cost of Government Commission, Public Works Commission, and Fire and Public Safety Commission. Your Committee voted 8-0 to recommend the nomination be approved.

And Madam Chair, when you deem it appropriate, I have an amendment to propose. Thank you.

CHAIR LEE: Thank you. Any more discussion? Member Molina.

COUNCILMEMBER MOLINA: Okay, thank you very much, Madam Chair.

MOVE TO AMEND THE PROPOSED RESOLUTION WITH THE
REVISIONS NOTED IN THE AMENDMENT SUMMARY FORM
ATTACHED TO COUNTY COMMUNICATION 22-25.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to adopt the recommendation in County Communication 22-25.

Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair.

AND ALSO, I'D LIKE TO INCLUDE IN THE MOTION THE
FILING OF COUNTY COMMUNICATION 22-25. THE
AMENDMENT THAT I'M PROPOSING WILL OCCUR IN THE
"BE IT RESOLVED" CLAUSE TO READ: "THAT IT APPROVES
THE APPOINTMENT OF JOAQUIN FREITAS, JR. TO SERVE
AS AN ALTERNATE ON THE PUBLIC WORKS COMMISSION
FOR THE COUNTY OF MAUI FOR A TERM EXPIRING ON
MARCH 31, 2024".

And the reason for this is John Blanchard, the individual who resigned, he was an Alternate member on the Public Works Commission. And as his replacement, Joaquin Freitas, Jr. should fill an Alternate seat on the Public Works Commission. Thank you.

CHAIR LEE: Okay. More discussion? Any questions, discussion? If not, all those in favor of the motion to amend the main motion, raise. Oh. Roll call.

COUNCILMEMBER MOLINA: Roll call.

CHAIR LEE: Geez, keep forgetting. Roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote on the amendment.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

Oh, apologies. Councilmember King?

COUNCILMEMBER KING: Can you hear me?

AYE.

But I, I wish we could just do a voice vote on some of these.

DEPUTY COUNTY CLERK: Sorry about that.

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Okay. The main motion.

DEPUTY COUNTY CLERK: Oh, yes, Chair. Should I proceed with a roll call vote on the main motion as amended, or?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. All nine of us are here and I don't, I don't think there's any objection to, to this. Can we just take a voice vote?

CHAIR LEE: Members, any objections to not having to take a roll call for some of these votes?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Mr. Clerk, we lost your visual. Okay. Did you hear that?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Rather than taking a roll call.

VICE-CHAIR RAWLINS-FERNANDEZ: Call for the question.

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay, all those in favor of the motion, signify by saying "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, all "ayes", zero "noes"; motion carries. The main motion as amended.
Okay.

COMMITTEE REPORT

NO. 22-5 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 22-10, entitled "APPOINTMENT OF DANIEL KANAHELE TO THE SOUTH MAUI ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-10.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to adopt Resolution 22-10.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on January 4, 2022, to discuss a proposed resolution relating to the Council's nomination of Daniel Kanahele as a member of the South Maui Advisory Committee, for a staggered term of three or five years, as selected by lot, and to fulfill the membership requirement for an individual with demonstrated expertise in Native Hawaiian traditional and customary practices, in accordance with Sections 2.28.050 and 2.28.070 of the Maui County Code, respectively.

Your Committee interviewed Mr. Kanahele and he is a former Director of, on the Kihei Community Association, a board member on a County advisory committee for South Maui and a board member on the County's Cultural Resources Commission.

He is currently a member of the Council's South Maui District Office staff. And Mr. Kanahele is also a founding member of Aha Moku O Honua'ula Council and believes in historical and cultural preservation and a "sense of place".

And according to Charter Section 13-2.7, it allows for employees and officers of the County to serve on boards and commissions, provided such services does not result in a conflict of interest. And your Committee recommended to Mr. Kanahele that he seek an opinion from the County Board of Ethics, which he has agreed to.

And your Committee voted 9-0 to recommend that his nomination be approved. Thank you, Madam Chair.

CHAIR LEE: Okay. Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I think everything's been talked about. And certainly there's been so much support from the community. I just wanted to express my mahalo to Mr. Kanahele. He's been a great addition to the South Maui District Office. But he also, you know, stepped up for this open position and resigned from the Cultural Resources Commission, which is, which was sad for them, but I'm happy for the South Maui Advisory Committee.

And, and you know, I was, as his employer, I didn't want to influence either way, but he, it was his decision to step up and offer himself for this position. So, really pleased

that he will be here, and I think he'll be a great addition to the Committee. So, mahalo, Daniel, in the other room.

CHAIR LEE: Okay, anymore discussion? All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

CHAIR LEE: All "aye". Any opposed, say "no", just in case.

NOES: NONE.

CHAIR LEE: All "ayes", zero "noes"; motion carries.

COMMITTEE REPORT

NO. 22-6 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. That Bill 15 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-549, from the Director of Parks and Recreation, be FILED.

CHAIR LEE: Presiding Officer Pro Tempore Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 22-6.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member Kama, seconded by Member Sugimura, to approve the recommendation in Committee Report 22-6.

Discussion, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your Human Concerns and Parks Committee met on January 6, 2022, and makes reference to County Communication 21-549, from the Director of Parks and Recreation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, RELATING TO THE ALCOHOL PROHIBITION FOR CERTAIN PARKS AND RECREATIONAL FACILITIES".

The purpose of the proposed bill is to align Section 13.04A.080, Maui County Code, with Section 19.52.090, Maui County Code, relating to the alcohol prohibition for certain parks and recreational facilities within the Historic Districts 1 and 2 in Lahaina.

Your Committee notes that in accordance with Section 19.52.090(F), Maui County Code, it is unlawful to consume intoxicating liquor in any public street, park, or open space that is owned or maintained by a governmental agency, without the express approval of the responsible government commission *[sic]* and the Cultural Resources Commission.

Your Committee discussed further amending the Subsection B of the bill to explicitly list the seven parks in Historic Districts 1 and 2 that prohibit alcohol consumption. Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. And I ask for our Members full support.

CHAIR LEE: Anymore discussion?

Member Paltin, then Member King.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to say I'm in support. I introduced the original change in the Title 19 section based on recommendation from our Lahaina Clean and Safe contractor Lawrence Kauhaahaa. And you know if we're hiring somebody or we're contracting to somebody to help create a clean and safe environment, then we should listen to them.

But regardless, this doesn't change anything. The, the law is already in effect. What it does is align the Parks section of the Code with Chapter 19 section of the Code. So, it's already in existence. It doesn't add a \$500 fine for, like, say the Cove, or Charley Young, or Honokowai, or anything like that. That was a little bit of a confusion for me, but it was cleared up in Committee.

And the last point that I wanted to make was thank you to the Chair and the Departments for listing out all the parks under the Department's jurisdiction within the Lahaina Historic Districts. As you can see in the bill, all of those locations, you know, date back to Kingdom times for their historical significance. And I'm not for people who are unsheltered having a drink, just not in these areas, which are kind of, you know, important to our, our history, our people and, and whatnot. You know, if they want to have a drink unsheltered, just have some respect for these specific historic district areas. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Actually, Chair, thank you. I, I had, the questions that I was going to ask were answered by Member Paltin's--

CHAIR LEE: Okay.

COUNCILMEMBER KING: The information she just gave us. So, I'm satisfied. I know it was specific to these areas as well. But, you know, just wanted to clarify that what we're doing here is something that's already in law, in the State law, so thank you.

CHAIR LEE: Anyone else?

Member Johnson.

COUNCILMEMBER JOHNSON: Yeah, this was hard for me. I don't really agree with this, Members. I, I appreciate what, what Lisa Darcy was mentioning, how we should be more proactive instead of reactive. And solutions in, where it comes to drinking and alcohol abuse, that should be funded in ways instead of just putting fines on people.

You know, I live in, when I use to live in low-income housing, they, they were going to stop drinking out in Hulopoe. And everybody was going to come, okay, then I'm going to go drink and have a party at my house. And then, we're going to go drink in residential, in residential areas. I didn't really think, I don't, I think that would have unintended consequence as well. So, that, we can go at the end, you know, watch a sunset and have a beer and, you know, take it easy. That's fine. And when we come, I don't have a problem with that. In fact, I think that's what a lot of people do as it stands now.

But when it comes to fining people, there is unintended consequences with that one as well. And the homeless people, we don't want them, to fine them for being, you know, we don't want to criminalize homeless, poverty and everything, so fines is a, is

a bit of a stickler for me. But yeah, I, I think there's better ways, better solutions to fix any kind of alcohol abuse than fines and banning this and that, so I, I don't support it as it stands now. Thank you, Chair.

CHAIR LEE: Anyone else?

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm, so I'm not a voting member of the Committee. And like Member King, I had similar questions that Member Paltin proactively addressed. And it sounds like, in Committee, that, sorry, that, that balance was discussed. And, and it sounds like by listing out the specific historically significant and culturally sacred places were, were named, so that it gets that protection. Because it, I guess, you know, for western or American society, you know, it'd be similar to, you know, drinking on the lawn of a, of a church, maybe. I, and, and so, you know, just trying to find that balance.

My question, though, after Member Johnson's comments are, is, was the discussion on removing the \$500 fine had in Committee? And, and was that something that was proposed but didn't receive the majority vote?

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: The issue that we discussed wasn't really about removing or decreasing fines. It was about aligning the two sections in our Code so that they don't, they're not contrary to each other, but that they are aligned. If Section 19 said it's illegal, then we should follow up with all the other Codes that say we need to align it. And I, and I'm, I think that if, that all, anybody wanted to take a look at those fines that that could be done in probably a different Committee. But this Committee's work was just to be able to align the two sections so that it's consistent and we're not talking out of two sides of our mouth.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Chair Kama. So, in section, or Title 19, it also includes a \$500 fines?

COUNCILMEMBER KAMA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: The two \$500 fines? So, if, if for Member Johnson and members of our community, that fine is an issue as the sticking point, it would, it would need to be addressed in both sections and removed there?

COUNCILMEMBER KAMA: Correct. And so that would be something that would probably come up in another Committee, correct? Because it's a budgetary issue, or it could be Finance, or it could be a GREAT issue, right? I'm not sure if that's something that would come up in Human Concerns and Parks, but there's nothing to say that we couldn't, I think. That's my whole sense of it.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member--

COUNCILMEMBER KAMA: To address Member Johnson's concern.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo for that responses and responding to my question. Mahalo, Chair, for that leeway.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Just one more thought and Member, maybe you can answer this for me, Member Kama. In, in Committee, did, was there discussion, because this goes into effect immediately, was there a discussion of a grace period or trying to educate people who might be in that, you know, in those areas that are homeless that might not, you know. I know, I know what we're doing is aligning with another section of the Code, but they might not know about that--

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER KING: --section either. So, I don't know if there was a discussion of what--

COUNCILMEMBER KAMA: The educational component that Member Paltin had wanted to ensure was that the seven parks that are mentioned within the Lahaina District 1 and 2 were clearly stated so that people would know these are the parks that you can't drink in. But to my understanding, that was the only type of education that the Committee worked on.

COUNCILMEMBER KING: So, there'll be, the Department will be putting signs up in those areas just to make it very clear . . .

COUNCILMEMBER KAMA: Supposedly.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER KAMA: Yeah.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER KAMA: And getting back to what Member--

COUNCILMEMBER KING: That's my concern, because when it goes into effect immediately, that's, you know, people can immediately get these fines without maybe having that notice.

COUNCILMEMBER KAMA: Right.

COUNCILMEMBER KING: And I think that's real important.

COUNCILMEMBER KAMA: But no, it's very clear and that is why in a previous Committee we talked about the community court system that when they get to that place, then the court would help them to address not just that issue or to waive that, but to be able to help them to get into some other types of services that might be able to help them to move beyond where they're at currently. So, so I'm comfortable in what these sections are saying. And I'm comfortable that that our people are not going to be punished for something that may be not even of their own accord. So, thank you.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Any, anymore?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Although I'm not a member of the Committee, I just have a, just quick question either for Member Kama or maybe if Corp. Counsel wanted to, I guess, refresh my memory and maybe others. As far as the, if someone gets hit with a fine, regardless of their social or economic status, who do they go to, to appeal the fine?

COUNCILMEMBER KAMA: I'd like to see if Corp. Counsel could get that for us, Member Molina.

CHAIR LEE: Sure.

COUNCILMEMBER MOLINA: Thank you.

CHAIR LEE: Corp. Counsel, are you on the line? Richelle Thomson? Moana?

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Hi. Thank you, Chair.
So, this is, it is a petty misdemeanor, so it would be with the Circuit Court.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR LEE: Any more questions? If not, Member Sugimura.

COUNCILMEMBER SUGIMURA: Going back in--

CHAIR LEE: You're, you're muted.

COUNCILMEMBER SUGIMURA: Going back in, you know, years, I don't know what year it was. I remember when Halloween was going gangbusters in Lahaina Town and there were uproar from the, from members of the community in this historic district. And I think that Lawrence Kauhaahaa, who's help with the Safe and Clean Program, he kind of brought it all together and brought focus to why. And it wasn't necessarily to target, you know, disadvantage or people who may want to hang out in these parks. But it was really for the safety of all the, all of the residents.

And, and I do remember that during Halloween, the Halloween festivities in Lahaina Town, it got pretty loud and a lot of activities going on, you know, under the Banyan Tree at one time. And that's what brought this uproar. So, I really support this, this measure going forward. And I don't think it has any intentions of trying to, you know, go after people who may be, you know, don't have a home or, you know, those kinds of things. I think it's just an overall safety issue.

And I, I was going to bring up, and I'm glad Tasha did, or Member Kama did, about the community court that is in process with the Prosecuting Attorney's Office and the courts to bring this forward. So, that if anybody who does get, you know, have a ticket, or have any kind of violations against them and if they, you know, it would be a court system that will come to them with wrap around services, get your driver's license back. I mean, there's a lot of benefits. And that whole ball is in motion too, which will really help the people that we're concerned about. So, thank you. I support this. Thank you, Member Kama.

CHAIR LEE: Sorry. I was coughing, so I turned my mic off.

Mr. Clerk. Roll call.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

NO.

DEPUTY COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

AYE.

DEPUTY COUNTY CLERK:

Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA:

YES.

DEPUTY COUNTY CLERK:

Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

AYE.

DEPUTY COUNTY CLERK:

And Council Chair Alice L. Lee.

CHAIR LEE:

AYE.

AYES: COUNCILMEMBERS KAMA, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: COUNCILMEMBER JOHNSON.

DEPUTY COUNTY CLERK: Chair, there are eight "ayes", one "no"; motion carries.

CHAIR LEE: Okay. Thank you. Proceed.

COMMITTEE REPORT

NO. 22-7 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending that Resolution 22-11, entitled "AUTHORIZING A GRANT OF EASEMENT FOR ACCESS AND UTILITY PURPOSES TO WAILELE RIDGE OF MAUI, LLC, AND THE ACCEPTANCE OF GRANTS OF EASEMENTS FOR ACCESS FROM WAILELE RIDGE OF MAUI, LLC AND MAUI LAND AND PINEAPPLE COMPANY, INC.," be ADOPTED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-7.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama, to approve the recommendation in Committee Report 22-7.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Infrastructure, Transportation Committee met on January 3, 2022, discuss a, to discuss a proposed resolution to authorize a grant of easement for access and utility purposes to Wailele Ridge of Maui, LLC, and the acceptance of grants of easement for access from Wailele Ridge of Maui, LLC and Maui Land and Pineapple Company, Inc.

At this meeting, your Committee noted that the project has been stalled due to the passing of the lead developer, and approval of the amendments will allow the project to move forward.

Your Committee also discussed the misalignment of the Hui Road "A" pavement to the roadway lot in certain areas, particularly around the project. The Department of Public Works informed your Committee that it will seek alternative options to ensure that legal access through and around the project are available.

Your Committee voted 6-0 to recommend adoption of the proposed res, proposed resolution. And I respectfully ask for the Members support.

CHAIR LEE: Any discussion, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just want to repeat, as I did in Committee, mention my begrudging support for this item. You know, this piece of property was dangled as a carrot for the Kapalua-Mauka development as a potential affordable housing location. For like the past ten years, it's been in an unfinished state with a big ol' sign that says, "luxury apartments coming soon". And so, you know, just to get this done and completed and not be an eyesore in our community, I'll support it. But the whole thing stinks. That's all I've got to say.

CHAIR LEE: Any other comments or questions?

Okay, Mr. Clerk, roll call.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE, WITH RESERVATIONS.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

Oh, apologies. I didn't hear you Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: SORRY, AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE, WITH RESERVATIONS.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

COMMITTEE REPORT

NO. 22-8 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 16 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT," be REFERRED to the Agriculture and Public Trust Committee;
2. That the Miscellaneous Communication, from the County Clerk, transmitting a copy of Resolution 21-113, referring to the Planning Commissions a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT," be FILED; and
3. That County Communication 21-371, from Councilmember Tamara Paltin, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-8.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sinenci, to approve the

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR LEE: --to approve Committee Report 22-8 and its recommendations.

Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee met on January 6, 2022, discussing a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT".

Planning Commissions met and reviewed the proposed bill in October of 2021. However, you know, COVID staff shortages and whatnot, a report of the Commission's findings and recommendations was not received by the Council within 120 days in accordance with Section 8-8.6 of the Charter.

Your Committee discussed clarifying the proposed bills applicability to both owners and lessors of a property.

Your Committee also supported creating a definition for small-scale agriculture provided there are regulatory and enforcement standards in place.

Your Committee further supported additional outreach efforts to farming organizations to receive input and ensure their concerns are addressed.

The Planning Department also recommended amendments to the proposed bill.

Your Committee agreed the bill requires further discussion and voted 7-0 to recommend referral to your Agricultural and Public Trust Committee and filing of the communications. Respectfully ask for the Members support of my motion.

CHAIR LEE: Any further discussion? All those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with resolutions.

RESOLUTIONS

RESOLUTION
NO. 22-12

APPROVING THE APPOINTMENT OF KEONI SHIROTA AS PERSONNEL SPECIALIST IN THE OFFICE OF COUNCIL SERVICES

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-12.

CHAIR LEE: Second? Second somebody.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to adopt the resolution in resolution 22, to adopt Resolution 22-12.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mr. Shiota received his Bachelors of Arts Degree in Business Administration from the University of Hawaii, West Oahu. He is currently employed as a Committee Secretary in the Office of Council Services. He is also a licensed independent insurance agent with Primamerica.

Mr. Shiota is a quick learner, diligent worker, and an excellent OCS employee. His OCS background will allow him to smoothly and quickly transition to personnel services. I'll also add that he is a pleasure to work with. And I look forward to him being in this new position and ask the Members for their support in adopting this resolution for Mr. Shiota.

CHAIR LEE: Anymore discussion?

Member Johnson, then Member Sugimura.

COUNCILMEMBER JOHNSON: Thank you. I, I, thank you, Chair. I had the pleasure of working with Mr. Shiota on my first year as a Councilmember. And I say whoever,

wherever he's going, they're going to be really lucky to have him. He's a great worker, support him fully 100 percent, little bit jealous. Alright, thank you. That's all I have to say. Thank you, Chair.

CHAIR LEE: Okay, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I too fully support this. And I, I had a discussion with him about this change. And I have to tell you that he's excited. And he says his educational background will, you know, help fulfill this, this next role that he's taking on. But I will tell you that even before he joined us, I heard glowing reports about his enthusiasm, willingness to always help when he was on the Clerk's side. And yeah, I 100 percent support him and I want to see him rise even higher. So, congratulations.

CHAIR LEE: Okay, anybody else? All those in favor of adopting this resolution, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: All "ayes". Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

RESOLUTION
NO. 22-13

NOMINATION OF MICHAEL L. WILLIAMS TO THE
CHARTER COMMISSION FOR THE COUNTY OF MAUI

CHAIR LEE: Let's see, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G.
OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Sinen, moved by Member Molina, seconded by Member King, to waive the Rules of the Council.

Any discussion on, on this, Member Molina?

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I know this will get unanimous vote, but I just wanted to add about the time sensitivity that he's filling a vacancy on the Charter Commission. And Charter Commission has very tight timeline to get a report to us, so that's why we're waiving the Rule in order to take action on this today. Mahalo, Chair.

CHAIR LEE: Anybody else? Discussion? On, this is on the Rule. All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Back to you, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-13.

COUNCILMEMBER KING:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to adopt the resolution.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GREAT Committee met on January 18, 2022, to interview Mr. Williams and for consideration to the Charter Commission for a term expiring on July 1, 2022, due to the resignation of Lance D. Collins on December 16, 2021.

In accordance with Charter Section 14-3, of the 11 members appointed by the Council, each Councilmember may nominate one of the nine members and the Mayor appoints the remaining two members. Because Mr. Collins was my nominee, I was able to nominate an individual to fill this vacancy. Mr. Williams applied for the Charter Commission back in February 2021. And he's also a trial attorney, or was I should say, trial attorney in Oregon until 2014, who managed his own law firm, before retiring, then relocating to Maui.

And according to Mr. Williams' application, he is the current Chair of the County's Cost of Government Commission, President of the Maui Tomorrow Foundation, Treasurer and board member of Stand Up Maui, and is also a board member of the Kula Community Association. He certainly has a great working knowledge of County government laws and operations and has indicated he will prioritize his time for the Charter Commission if he is appointed. I ask for the Members full support. Thank you, Madam Chair.

CHAIR LEE: Any more discussion?

If not, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I fully echo the GREAT Committee Chair's remarks and comments, and fully support Mr. Williams filling the vacancy on the Charter Commission. And am fully confident in his qualifications and passion, heart, and ability to get the job done for the people of Maui County.

I just wanted to clarify for the record, that the Charter does not mandate each, or specify that each Councilmember would appoint a representative on the Charter Commission.

That it, it, it's the work, the appointment process is the collective Council, and we as a Council determine that each Councilmember would do that. So, it's just a matter of practice and it's not really specified in the Charter. I just wanted to clarify that for the record. Mahalo, Chair.

CHAIR LEE: Any more comments?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I fully support Mr. Williams. I think we couldn't have found a more qualified person to replace Mr. Collins. And I just wanted to clarify for the record that, because I've had people ask me that, you know, we've had other people that couldn't, that couldn't serve on two commissions. But because the Charter Commission is not a standing commission, that this was possible for Mr. Williams to continue as Cost of Government Commission Chair and also serve on the Charter Commission.

CHAIR LEE: Okay, thank you.

Member Sinenci.

COUNCILMEMBER SINENCI: Chair, real quick. I just wanted to share the sentiments of my fellow Councilmembers. Happy to support. Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: I, I just wanted to express my support for Mr. Williams also, as I've seen him through the Kula Community Association and, and what he does for us here Upcountry. And I just want to always, also want to thank the Councilmembers cause now we have three members from Upcountry who are on the Charter Commission. Thank you.

CHAIR LEE: Okay, rub it in. Anyone else? All those in favor of the motion, oh.

Member Paltin.

COUNCILMEMBER PALTIN: I just wanted to reiterate my suggestion that they look into the bike tour issue since they got a majority of Kula members.

CHAIR LEE: That's all we need is proposal number 86.

All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: All "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with resolutions for referral. The following resolutions are recommended for referral to the following Committees as noted:

RESOLUTION
NO. 22-14

RELATING TO THE APPOINTMENT OF EDWIN LINDSEY
TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI

The recommended action is that Resolution No. 22-14 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-15

AUTHORIZING ACCEPTANCE OF THE FRIENDS OF THE CHILDREN'S
JUSTICE CENTER OF MAUI'S DONATION OF PAINT, PAINTING, CARPET,
INSTALLATION, CABINETRY AND COUNTERTOPS TO THE COUNTY OF MAUI,
PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE

The recommended action is that Resolution No. 22-15 be referred to the Government Relations, Ethics, and Transparency Committee.

(RESOLUTION NO. 22-15 WAS ADOPTED LATER IN THE
MEETING. See pages 80 through 82 for discussion and action.)

RESOLUTION
NO. 22-16

REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING
COMMISSIONS A PROPOSED BILL AMENDING CHAPTERS 19.18 AND
19.20, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION
RENTALS IN BUSINESS DISTRICTS

The recommended action is that Resolution No. 22-16 be referred to the Planning and Sustainable Land Use Committee.

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

Member Molina.

DISCUSSION RELATING TO
RESOLUTION NO. 22-15

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair.

I'D LIKE TO MAKE A CONSIDERATION FOR RESO 22-15 AND
MAKE A MOTION TO WAIVE THE REQUIREMENT OF
COMMITTEE REFERRAL AND REPORT IN ACCORDANCE
WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member Sugimura, to waive the Rules of the Council regarding Resolution 22-15.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Approval of my motion by a two-thirds vote of the entire Council will enable the Council to consider the proposed resolution today. Thank you.

CHAIR LEE: Any more discussion? All those in favor of the motion to waive the Council Rule, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT RESOLUTION 22-15.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Kama, to adopt Resolution 22-15.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Department of the Prosecuting Attorney wishes to accept a donation and installation of carpeting, paint, cabinetry, file cabinets and countertops from the Friends of the Children's Justice Center of Maui in the amount of \$37,042.64. The donation will be used towards the Children's Justice Center of Maui located at 2103 Wells Street in Wailuku. Thank you, Madam Chair.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, raise your hand and say "aye".

Member Paltin, are you "aye"? Are you an "aye"?

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Okay, thank you.

Mr. Clerk, the next resolution.

DEPUTY COUNTY CLERK: Chair, are, are there any other objections to the referrals as read by the Clerk?

CHAIR LEE: We have a question. Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just was wondering on Resolution 22-14. It was meant to add a III in be, in behind the name, right? Edwin Lindsey the III?

CHAIR LEE: Oh.

COUNCILMEMBER KAMA: I think you're right. Cause, yeah.

CHAIR LEE: Okay, Mr. Clerk.

COUNCILMEMBER KAMA: It's not on it.

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Member Paltin mentioned in Resolution 22-14, is it 14, to add the III, like Edwin Lindsey the III.

DEPUTY COUNTY CLERK: Okay. Chair, the resolution that we received did not have that, that, the third in there, in the title. But the body can add it and amend it in Committee, something along those lines, to make that correction.

CHAIR LEE: Is that okay with you, Member Paltin?

COUNCILMEMBER PALTIN: Yeah. Just we need a living person is all.

COUNCILMEMBER KAMA: Thank you. Yes.

CHAIR LEE: Okay. Alright. So, we were on 22-16, I believe.

DEPUTY COUNTY CLERK: Chair, so, yes, I, that was is recommended for referral to the Planning and Sustainable Land Use Committee. So--

CHAIR LEE: Any objections to referring these 22-14 and 22-16 to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections? Okay, no objections. So, ordered.

DEPUTY COUNTY CLERK: Chair, proceeding with ordinances.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 1 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 4295 AND GRANTING
MAUI DRAGON FRUIT FARM LLC A CONDITIONAL PERMIT TO OPERATE A
GIFT SHOP AND CONDUCT SPECIAL EVENTS AT 833 PUNAKEA LOOP,
LAHAINA, MAUI, HAWAI'I

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 1 (2022) ON SECOND AND FINAL
READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Paltin, second by Member Kama, to pass Bill 1 on second and final reading.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Your Committee previously reported on this matter through Committee Report 21-85 at its meeting of September 17, 2021. The Council postponed consideration of CR 21-85 pending an investigation into the use of recreational vehicles on the property as housing for farm workers.

At its meeting of November 5, 2021, the Council recommitted the matter to the Planning and Sustainable Land Use Committee.

By correspondence dated November 17, 2021, the owners of Maui Dragon Fruit Farm LLC requested an extension to their conditional permit, specifically to phase out special events after July 12, 2022.

Your Committee prohibited any rescheduling or substitutions of events should one cancel.

Your Committee also discussed concerns of excessive noise, and aquaball, and zipline operations, especially after hours.

To allay these concerns, your Committee added conditions to limit hours of operation and mandate that cameras with visual and audio livestreaming capability be installed on the property. Drums and amplified sound were also prohibited.

With the conditions, your Committee voted 9-0 to recommend passage of the revised proposed bill on first reading and filing of the communication.

And further, I just wanted to address some comments that arose in the testimony. The very last written testimony in our packet is pictures of where the cameras have been installed. Ms. Schmitt verified that audio can come from it. And the pictures coming from the camera on the phone were also submitted.

I called Director McLean at the start of this meeting to see if she had verified it. And she said that until these are conditions of a conditional permit, that they wouldn't go on site and verify it. So, that's the report from the Director.

As far as the allegations from the neighbor, this, to clarify that this is not a farm labor dwelling that they're on. It's a farm dwelling and they have different allowances. And also, I think that's about it for my first discussion. Thank you.

CHAIR LEE: Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just wanted to ask Member Paltin if you could clarify what you mean by farm labor versus farm dwelling?

COUNCILMEMBER PALTIN: Sure. I'm not a planning worker. But a farm dwelling is, you know, each agricultural lot can have two farm dwellings. The second farm dwelling can't be more than 1,000 square feet. A farm labor dwelling is, as Ms. Sredanovic explained in her email testimony, about you having to have a income threshold of like 35,000 per person living in the farm labor dwelling. So, those are two different things, according to the Code.

Also, to clarify her testimony that these laborers may stay less than six months. In Committee, Director McLean also said if the work, part of the compensation for working is the place to stay, then it doesn't matter if it's less than six months based on the definition. So, those are things that Director McLean clarified for us in Committee that apparently Ms. Sredanovic keeps bringing up in her testimony, which maybe she can clarify with her lawyer possibly.

COUNCILMEMBER KING: Okay. Thank you for that explanation.

CHAIR LEE: Any more comments, Members? Okay, if not, this one, roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: NO.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

Oh, apologies, Vice-Chair, I didn't hear you.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: COUNCILMEMBER KING.

DEPUTY COUNTY CLERK: Chair, there are eight "ayes", one "no"; motion carries.

CHAIR LEE: Proceed.

ORDINANCE NO. _____
BILL NO. 5 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS,
COUNTYWIDE, GOVERNMENT FACILITIES, BOND FUND,
COUNTYWIDE FACILITIES MAINTENANCE PROGRAM;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Vice-Chair, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk to also call up Bill 6, Bill 7, Bill 11, and Bill 12?

CHAIR LEE: Mr. Clerk.

ORDINANCE NO. _____
BILL NO. _____ 6 _____ (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PUBLIC WORKS,
(COUNTYWIDE FACILITIES MAINTENANCE PROGRAM,
COUNTYWIDE TRAFFIC AND SAFETY PROGRAM)

ORDINANCE NO. _____
BILL NO. _____ 7 _____ (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219,
BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PUBLIC WORKS – COUNTYWIDE FACILITIES
MAINTENANCE PROGRAM)

ORDINANCE NO. _____
BILL NO. _____ 11 _____ (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
(STATE OF HAWAII – HOMEOWNER ASSISTANCE FUND)

ORDINANCE NO. _____
BILL NO. _____ 12 _____ (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
(STATE OF HAWAII – HOMEOWNER ASSISTANCE FUND)

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 5 THROUGH 7, BILL 11 AND BILL 12
ON SECOND AND FINAL READING.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Member, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to pass Bills 5, 6, 7, 11 and 12 on--

VICE-CHAIR RAWLINS-FERNANDEZ: Second and final.

CHAIR LEE: Second and, second and final reading.

Discussion? Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bills 5 through 7 amend the Fiscal Year 2022 Budget bill, the Appendix C bill, and the Bond Authorization bill to add funding and a project description on the Department of Public Works, County, Countywide Facilities Maintenance Program, in the amount of \$800,000.

Bills 11 and 12 amend the Fiscal Year 2022 Budget Appendix A, Part I, and Appendix D, to add an appropriation entitled "State of Hawaii – Homeowner Assistance Fund", in the amount of \$8,060,550, along with conditional language limiting salaries

and premium pay to 1.0 limited term appointment. I ask for the Members continued support of these items. Mahalo, Chair.

CHAIR LEE: Okay, any discussion? Okay. Roll call.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: --proceeding with the, oh, apologies.

CHAIR LEE: Roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: None.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Heading down the homestretch.

DEPUTY COUNTY CLERK: Chair, proceeding with bills for referral. The following bills are recommended for referral to the following Committees as noted:

ORDINANCE NO. _____
BILL NO. 17 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29,
MAUI COUNTY CODE, TO PROHIBIT PRIVATE RESTRICTIONS
ON SMALL-SCALE AGRICULTURAL USES AND THE
KEEPING OF ANIMALS IN ANY RURAL DISTRICT

The recommended action is that Bill No. 17 (2022) be referred to the Agriculture and Public Trust Committee.

ORDINANCE NO. _____
BILL NO. 18 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
OFFICE OF THE COUNTY COUNCIL,
WAILUKU -KAHULUI COMMUNITY PLAN AREA,
GOVERNMENT FACILITIES, BOND FUND,
OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

The recommended action is that Bill No. 18 (2022) be referred to the Budget, Finance and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 19 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
OFFICE OF THE COUNTY COUNCIL,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS

The recommended action is that Bill No. 19 (2022) be referred to the Budget, Finance and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 20 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219,
BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(OFFICE OF COUNTY COUNCIL – OFFICE OF COUNCIL
SERVICES OFFICE RENOVATIONS)

The recommended action is that Bill No. 20 (2022) be referred to the Budget, Finance and Economic Development Committee.

ORDINANCE NO. _____
BILL NO. 21 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY
CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS

The recommended action is that Bill No. 21 (2022) be referred to the Climate Action, Resilience, and Environment Committee.

ORDINANCE NO. _____
BILL NO. 22 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE STATE OF HAWAII JUDICIARY FOR A FOUR-YEAR AND ELEVEN
MONTH LEASE OF 2,070 SQUARE FEET OF OFFICE SPACE AT 2103 WELLS
STREET, WAILUKU, MAUI, HAWAII 96793

The recommended action is that Bill No. 22 (2022) be referred to the Government Relations, Ethics, and Transparency Committee.

ORDINANCE NO. _____
BILL NO. 23 (2022)

A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE RELATING TO
ENERGY AND WATER USE PERFORMANCE BENCHMARKING

The recommended action is that Bill No. 23 (2022) be referred to the Infrastructure and Transportation Committee.

(BILL NO. 23 (2022) WAS LATER REFERRED TO THE
CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE LATER IN THE MEETING. See pages 93 and 94
for discussion.)

ORDINANCE NO. _____
BILL NO. 24 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY
CODE, RELATING TO THE COMPREHENSIVE ZONING
ORDINANCE'S DEVELOPMENT STANDARDS IN THE B-2
COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT,
AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS

The recommended action is that Bill No. 23 (2022) be referred to the Planning and Sustainable Land Use Committee.

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

Oh, Member King.

COUNCILMEMBER KAMA: No objections.

CHAIR LEE: Member King.

DISCUSSION RELATING TO
BILL NO. 23 (2022)

COUNCILMEMBER KING: Chair, I'd like to request Bill No. 23 be referred to the CARE Committee, as this is foundational to implementing the recommendations of forthcoming climate action plans. So, we're working with the, the Mayor's Office and the State Office of Climate Change, Climate Action.

CHAIR LEE: Okay. Any, any, any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections? Okay, so, ordered.

And the rest of the referrals as read by the Clerk, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there is no further business before the Council.

CHAIR LEE: Oh, I'm so sad. Members, do you have any parting thoughts or comments?
Nice kind, nice comments, Members?

Member King.

COUNCILMEMBER KING: Just a request for Members. I sent an email out to find out which of the Councilmembers would be available for the installation of the new mineral sunscreen dispensers in South Maui. And if you can, I got two answers from two of you.

CHAIR LEE: Mhm. Okay, anybody want to respond now? Anybody want to respond to Member King?

Member Sinenci, are you going?

COUNCILMEMBER SINENCI: Yeah, I did send a request.

COUNCILMEMBER KING: Oh, great. Okay. Thank you. Yeah, we're limited because of COVID to how many people we can have. So, I'm trying to get, get names up front so we can plug in the other names.

CHAIR LEE: Any other, you know, special announcements? Anybody getting married over the weekend or, you know, anything like that?

COUNCILMEMBER SUGIMURA: Having a baby?

CHAIR LEE: Now, that's going a little far. Yeah.

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. No, I'm not getting married over the weekend. But just a reminder, not a total full off week for us next week. I believe Monday we have two Committee meetings, if I'm correct, PSLU and Affordable Housing, if I'm correct. FYI for the public.

CHAIR LEE: Very good. Thank you.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Member Molina, for reminding us what a busy week we have next week. So, PSLU, 9 a.m. sharp, we'll be having a wonderful presentation from Department of Hawaiian Home Lands and hoping to conclude with Kahana Sunset in the after, the second half of the meeting.

And then, Tuesday, your own virtual site tour of Lumeria. Nobody show up to Lumeria, because it will be a virtual one because of the Omicron surge. I don't want to cause any illness or injury to anyone. And then decision-making to follow after lunch. So, looking forward to a busy week and getting the last two Charter deadline items that have been on for years, and years, and years off my Committee master agenda. So, with your help and God willing, next week will be a huge week for PSLU.

CHAIR LEE: What about Affordable Housing?

COUNCILMEMBER JOHNSON: Thank you, Chair. Yeah, we'll be talking about the expanding the usages of the Affordable Housing Fund, so that we can open up all the nob, nozzles so that we can find, find our way out of this crisis that we all recognize. I just, social media is going off on the price of houses. I'm sure you guys have noticed it. So, this is timely as it ever was. I really, I really, I really hope that we all kind of can put our heads together and come out with some really good legislation that can solve this crisis. So, look forward to all your participation on Monday after PSLU, LU. Thank you, Chair.

CHAIR LEE: Other Committee Chairs want to chime in?

Member King.

COUNCILMEMBER KING: No, actually, I just, what I wanted to ask you, Chair, was today's agenda was a little bit better than last time. But it still is hard for the public to read, to figure out what, what on this agenda is for referral and what is likely to be acted upon. So, if, because the referrals generally used to be under county communications, and now they're all the way through the agenda. So, if there's some way to flag items that are likely to be referred? And, I just want to, you don't have to answer me right now, but I just wanted to put that out there. It's hard for the public to read this and to know what items are being referred.

CHAIR LEE: Okay. Yeah. Let, let me work with staff to see if, if we can, whether things can be color-coded or there be a legend of some kind to make it easier for people to understand the agenda.

COUNCILMEMBER KING: Yeah, and then that way, I think the, the, the testimony may be a little bit shorter if people know that this is going to Committee, if something's going to Committee, there'll be a fuller discussion.

CHAIR LEE: Okay. Good idea.

COUNCILMEMBER KING: Thank you. Thank you.

CHAIR LEE: Any other Committee Chair's want to say anything?

Member Sinenci, and then Member Sugimura.

COUNCILMEMBER SINENCI: So, I believe Member Sugimura was going to go ahead and answer my--

COUNCILMEMBER SUGIMURA: Okay, go ahead.

COUNCILMEMBER SINENCI: It was about IT.

COUNCILMEMBER SUGIMURA: Oh. Yes, I'm going to say something about IT. You're, you're letting me go first, is that what you're saying? So--

CHAIR LEE: Okay, guys, hurry up. It's lunch time.

COUNCILMEMBER SUGIMURA: Yeah, hurry up. So, Senator Schatz on, thank you, Thursday at 9:00. And appreciate all your questions that you may have that you were going to send to IT Committee so we could forward it to him. And Ed Sniffen and whatever departments want to show up, you know, we are working on that. So, thank you.

CHAIR LEE: Oh, and Member Sugimura, we want to wish your son safe travels back to--

COUNCILMEMBER SUGIMURA: Oh, yes.

CHAIR LEE: --Chicago.

COUNCILMEMBER SUGIMURA: Yeah, thank you.

CHAIR LEE: I'm sure you're going to miss him and enjoying every moment that you spent with you and your husband.

COUNCILMEMBER SUGIMURA: Every moment. And he has reconfigured my office here at home. That's why I'm getting the router. He was scolding us for thinking that this was going to end. Next week, next week, we'll be fine and still here, so.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: We are becoming . . .

CHAIR LEE: Next time when he comes, let us know so he can, he can check everybody's office.

COUNCILMEMBER SUGIMURA: Yeah. He's like a Keani, yeah. He's really good.

CHAIR LEE: Okay. Mr. Sinenci. Oh, you were just referring to.

COUNCILMEMBER SINENCI: Yeah.

CHAIR LEE: Or did you, oh okay. Okay. Alright. Okay, that brings us to the end of the calendar. Any last words?

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: If not, everybody, please, please stay safe. Stay away from crowds. Take care. This meeting is adjourned.

ADJOURNMENT

The regular meeting of January 21, 2022 was adjourned by the Chair at 12:16 p.m.



KATHY KAOHU, DEPUTY COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

County Clerk

From: vera sredo <verasreda@gmail.com>
Sent: Wednesday, January 19, 2022 6:46 PM
To: County Clerk
Subject: Bill 1 (2022) Please Deny
Attachments: Jorgenson -Cheshire - written testimony for PSLU-17.pdf

 You don't often get email from verasreda@gmail.com. [Learn why this is important](#)

Please include attached 2 documents to my testimony regarding denying Maui Dragon Fruit Farm extensions on CUP due to multiple and repeated violations.

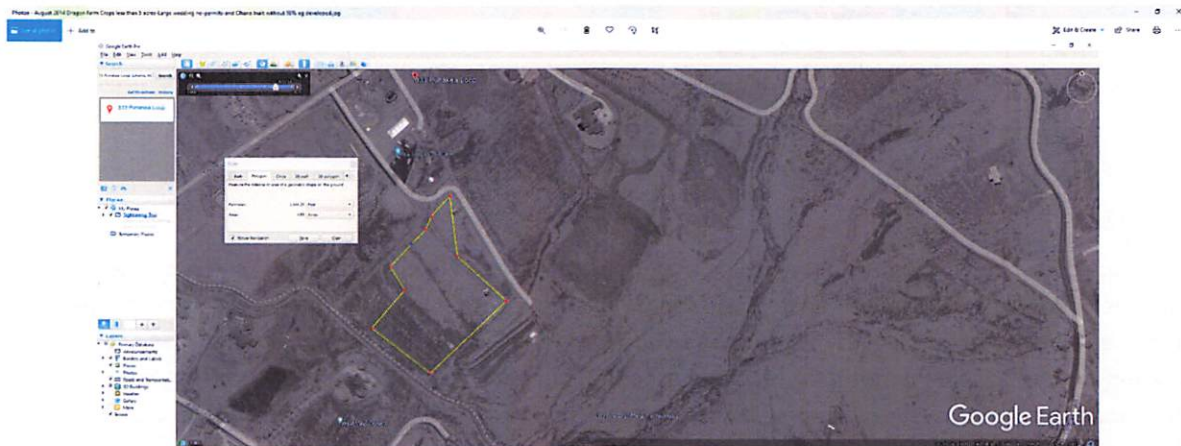
 **_MDFF-written testimony 1-21-2022.docx** 

Mahalo, Vera Sredanovic

RECEIVED
2022 JAN 20 AM 7:49
OFFICE OF THE
COUNTY CLERK

Dear Maui Council Members. I wanted to provide facts and supporting evidence that majority of CUP conditions have been violated. Planning department did not acknowledge any of these violations. MDFF owners have a long history of conducting weddings without permits and later violating CUP conditions. They also have a history of misrepresenting the facts to the authorities and neighbors.

MDFF has been conducting commercial weddings for years without permit. In this Google satellite image from 2014 you can see a large white wedding tent years before they even asked for wedding permits:

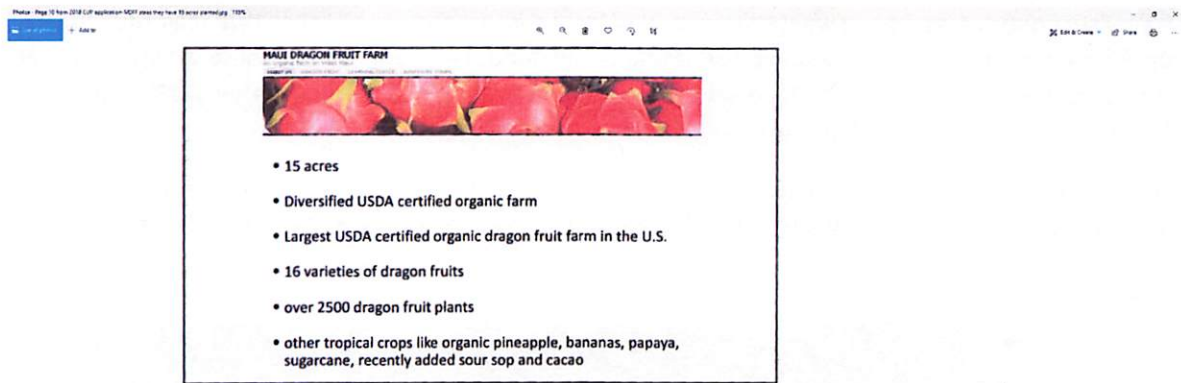


Here you can see a picture from their website with large wedding set up dated 8/15/2014 (they obtained CUP in 2016):



Neighbors complained about the noise from those weddings and the restrictions were put in place on these activities. That forced MDFF owners to request a permit to conduct weddings. They were given a chance to conduct this add on activity so "supplement" their dragon fruit farm business. This was given to them regardless of the fact that they conducted the same activities illegally.

On the original as well as most recent CUP extension application owners stated that they have 15 acres of land planted (page 10 of Crystal Schmidt application -also attached to county meeting documents) :



10

CUP was obtained with this understanding that 15 acres or over 50% of 27.5 acres land is planted. MDFF had less than 4.6 acres planted at any time (on Google image from 2014 you can see 4.6 acres planted- that was a year when they had most planted and obtained building permit-presumably based on statement of 15 acres planted). Currently as of today they only have 2.5 acres which is less than 10% of the land. To obtain any permits on ag lands minimum of 51% use for ag is required. This is clear proof that applicant mislead the county in order to obtain this CUP permit. All CUP are also required to maintain the stated level of ag. As of today their ag activity is even less than at the time of the application.

MDFF was illegally housing unpaid transient ag exchange kids in RVs, tents and gift shop. Once this was discovered MDFF retracted their TVR application as they needed to house those kids there. They wanted to slide in TVR along with this CUP and circumvent standard TVR process.

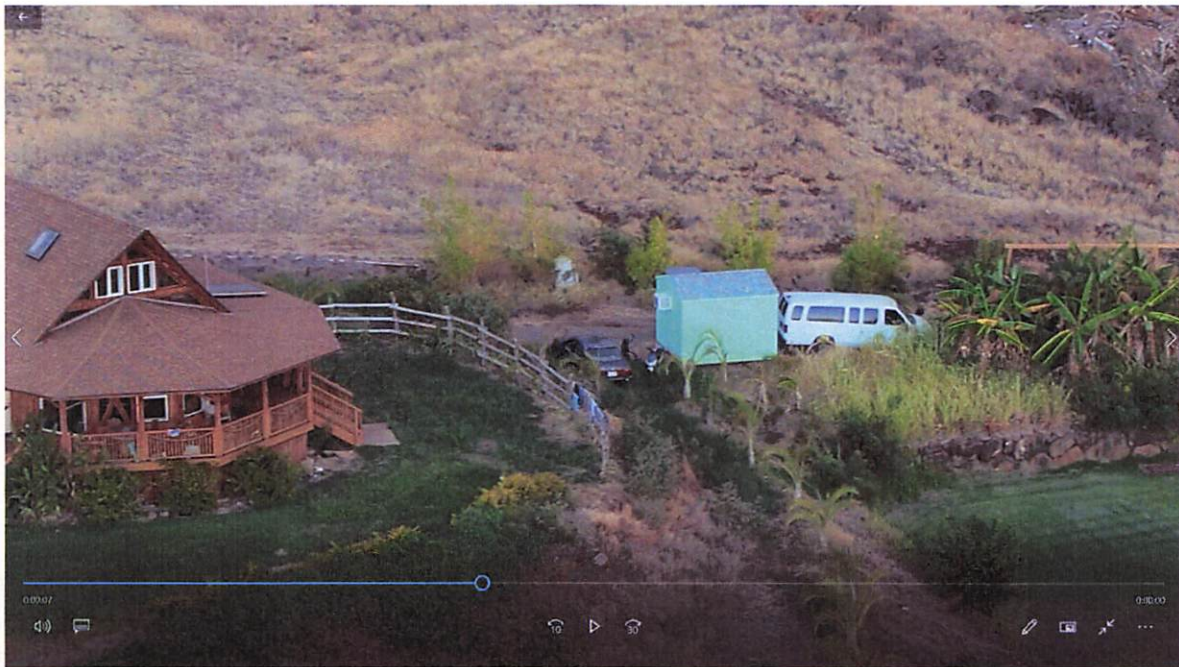
ZAED didn't investigate any CUP violations or RFS. ZAED investigation focused only into illegal housing and illegal structures. ZAED found that no RVs remained on the property, but as you can see there was a van still on the property as of 11/17/21 and it is used to accommodate some of those 10-15 unpaid workers. 9-12-21 Image:



10-28-21 Image 1 RV and 1 VAN with couch and table in front of the white van still on the property:



11-17-21 same white van now can be seen tucked between 2 structures (which indicates that there is still violation of unpermitted housing going on):

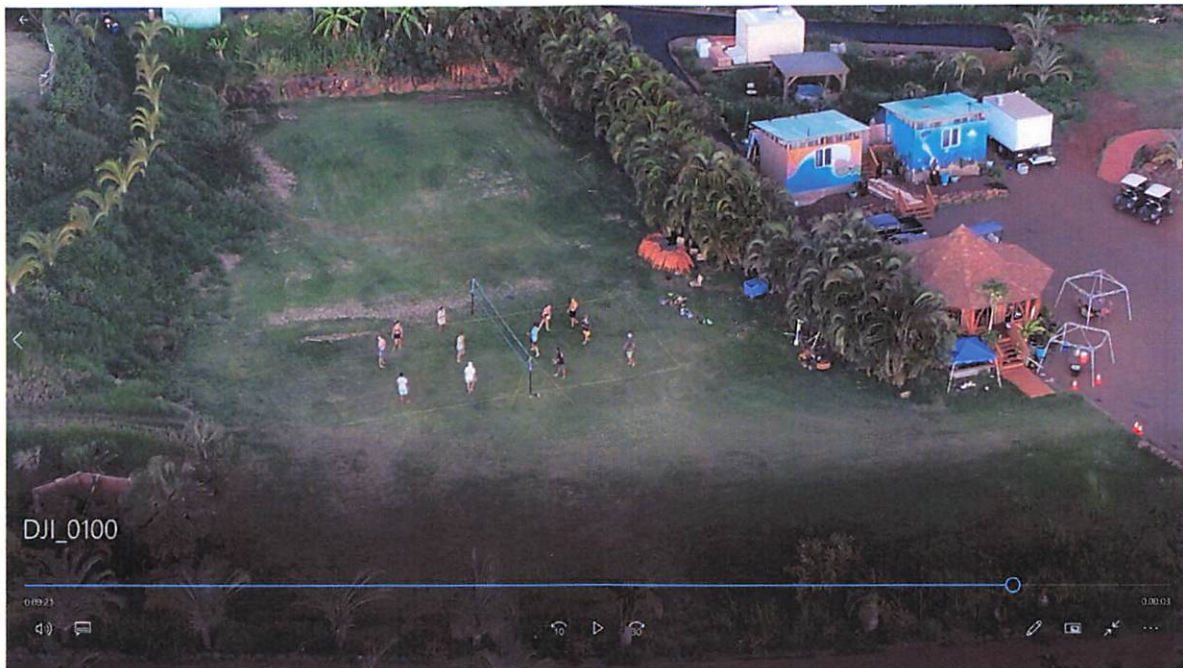


11-17-21 photo shows the area where white van was moved from, this is one of the 3 areas where transient kids party at night.

Some of those kids now live at the cottage while others live in the van tucked in at the back of the property and some live at the Gift Shop. We still had to call police since some kids moved into the cottage as they keep partying deep into the night. They close the gate at night to stop the police from coming in.

Most recently Crystal stated to county council that they now only have 6 kids living at the farm, while in fact they have 10 living in the cottage alone and more of them in a gift shop and a van. They receive new unpaid kids on a regular basis and just this past week they had new group of kids. Crystal stated that those 6 staying at the cottage would get paid small wages and sign subsidized leases. These kids stay at the farm much less than one year and those leases would be considered as not permitted TVR. This is on top of prior TVR violations: since weddings are conducted at the cottage and some guests stayed overnight.

This image was taken after 6 pm 1/7/22 (after MDFF was closed for public) and it shows 12 kids at the property



Here are images (extracted from video files) proving that the CUP conditions were violated. Due to large size of the video files images are presented but videos are also available. I limited the dates to September as that was sufficient data to show that CUP conditions are being violated.

FOLLOWING CUP CONDITIONS ARE BEING VIOLATED:

5. That Maui Dragon Fruit Farm LLC [shall] must develop and use the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to [so] develop the property accordingly may result in the revocation of the Conditional Permit [pursuant to] under Section 19.40.080, Maui County Code.

**Original CUP presentation given by Crystal Schmidt misrepresented the percentage of the land planted, by reducing the actual plot lines to make it appear like over 50% is planted:
This is image from her presentation dated 2/23/2107 page 2:**

Site Plan



2

Also page 10 provided above states 15 acres planted, only 2.5 is planted currently (they lost 2 acres in 2018 fire and never replanted it). It takes only 9 months from the seed to fruit for dragon fruit, owners still claim fire burned their dragon fruits and did nothing to replant them-but they did -during pandemic-build large concrete platform they call Maui Mountain café (possibly with farmers pandemic funds).

These County of Maui Historical Pictometry images show actual property lines and show less than 3 acres planted (that is also visible from Google Earth historical Images):



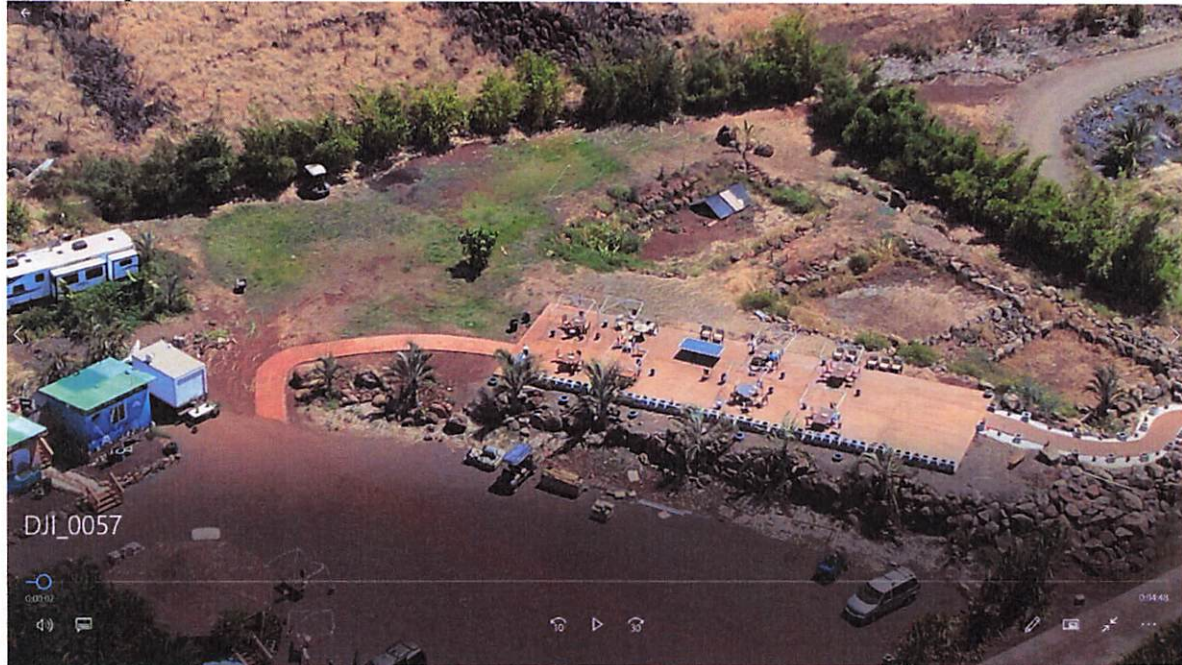
Pictometry



Per Google earth largest area planted was in August 2014-less than 5 acres, you will also see large white wedding tent-long before 2017 CUP allowing weddings:



Land is being developed for more tourist attractions like Maui Mountain Café large concrete pad built in 2020:



No crops that were lost due to 2018 fire were replanted, as per October 2020 image there was less than 2,5 acres planted but new café pad was built (possibly with pandemic farmer loans):



6. That the gift shop [shall] must open no earlier than 9:00 a.m. and [shall] must close by 8:00 p.m.

Gift shop lights stay lit long into the night, transient unpaid workers party and sleep at the gift shop.

7. That special events [shall] must be limited to fifty guests and be limited to two times per calendar month except that one special local agriculture event may be held once a year with traffic and safety measures as recommended by the Maui Police Department to be provided.

You can see on this picture that tent larger than 700 sf was used and more than 50 guests:



8. That amplified sound is prohibited.

Amplified sound is used at every wedding-video was provided to planning

9. That an owner of Maui Dragon Fruit Farm LLC or a professional event planner must be required to be present during all events and same-day event cleanup. If a professional planner is used, then an owner of Maui Dragon Fruit Farm LLC [shall] must be accessible during all events. Being accessible means being able to answer the telephone at all times, and being able to be physically present at the property within one hour following a request by a guest, neighbor, or County agency.

Owners are not available and professional planner info is never provided to neighbors. Events are set up day before and cleaned up day after-so tents are usually there for 3 days.

10. That all special events must be concluded by 8:00 p.m., except a special local agriculture event may begin no earlier than 9:00 a.m. and must be concluded by 5:00 p.m.

Weddings always go past 8 pm-videos provided to planning.

11. That event clean-up must be concluded and all exterior lighting must be shut off by 8:30 p.m. **Never happens, lights stay on the gift shop and Cottage throughout the night.**

12. That all exterior lighting [shall] must be downward shielded. **Video of unshielded lights as recent as Dec 2nd '21 provided to Michelle Mc Lean and Tamara Paltin.**

As you can see on this picture they are not down shielded:



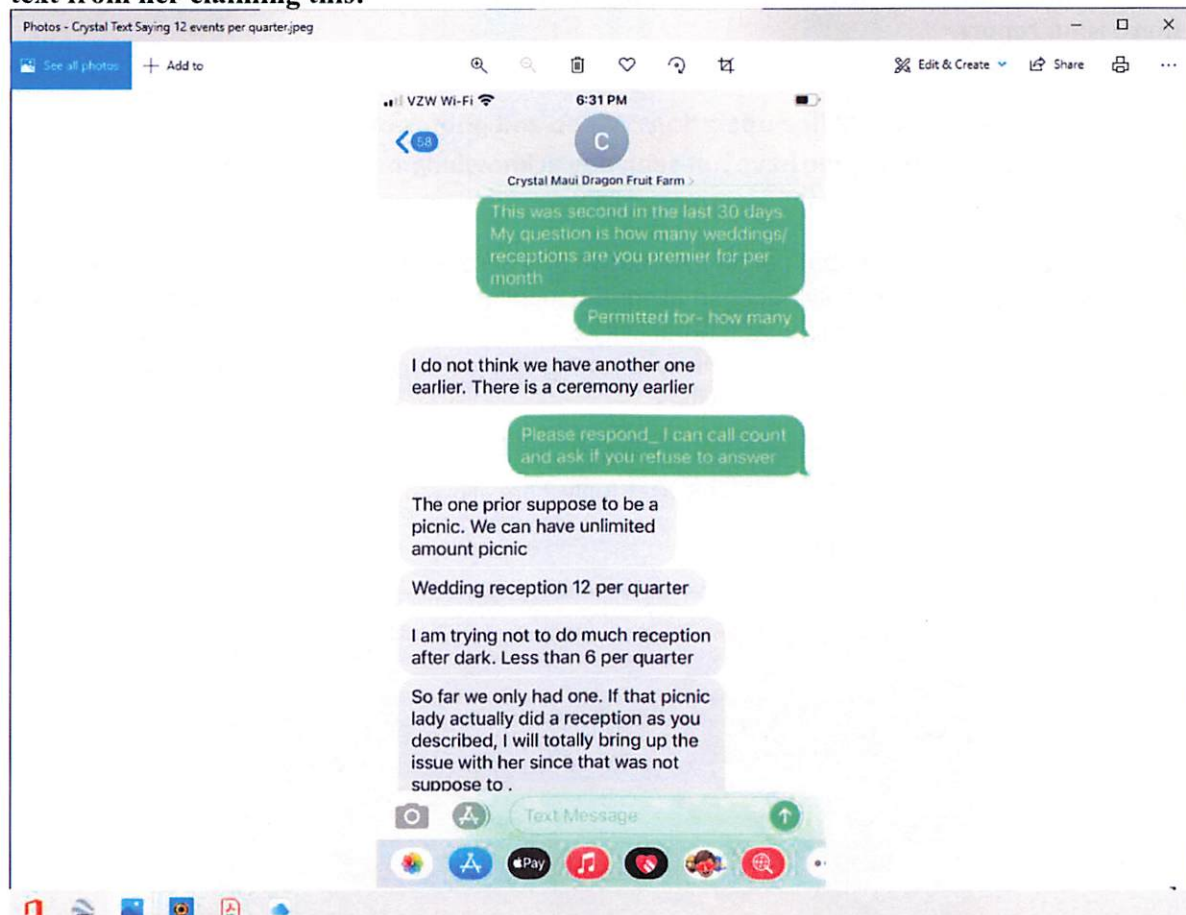
13. That all parking related to the gift shop and events[shall] must be onsite; no street parking is allowed.

In the picture above you can see street parking.

Also on this picture you can see that cottage was used for wedding guests, some stayed overnight. This short-term use is considered TVR (without permit).

16. That Maui Dragon Fruit Farm LLC [shall] must provide an information sheet providing neighbors with a contact telephone number and a copy of the Conditional Permit listing permit conditions.

None of the neighbors received a CUP, I requested it from Crystal but she refused to provide the information, instead she claimed in her text that she can have unlimited picnics and 12 weddings per quarter (that would be twice as many as permitted in CUP). Here is a text from her claiming this:



18. That all State of Hawaii Department of Health applicable requirements [shall] must be met. (Compliance [shall] will be determined by the Department of Health.)

Violation of unsanitary workers housing

19. That review and approval are required by the Fire Prevention Bureau for events open to the public with fifty or more people in attendance, **or when temporary tents or canopies in excess of 700 square feet in size are utilized**, or when open flames, such as lanterns or bonfires or other potential fire hazards will be used.

You can see the pictures show tents significantly larger than 700 sf and Fire Prevention Bureau was never engaged in approving those. Michelle McLean stated in an e-mail that even though tents were larger than 700 sf since it was not public event that there is no violation. Language here says or “or when temporary tents or canopies in excess of 700

square feet in size are utilized”-so any event with larger than 700 sf tents needs this approval (regardless if they are private or public events).

21. That upon renewal of this Conditional Permit, Maui Dragon Fruit Farm LLC must submit a list of all events including the dates, times, type, and number of attendees."

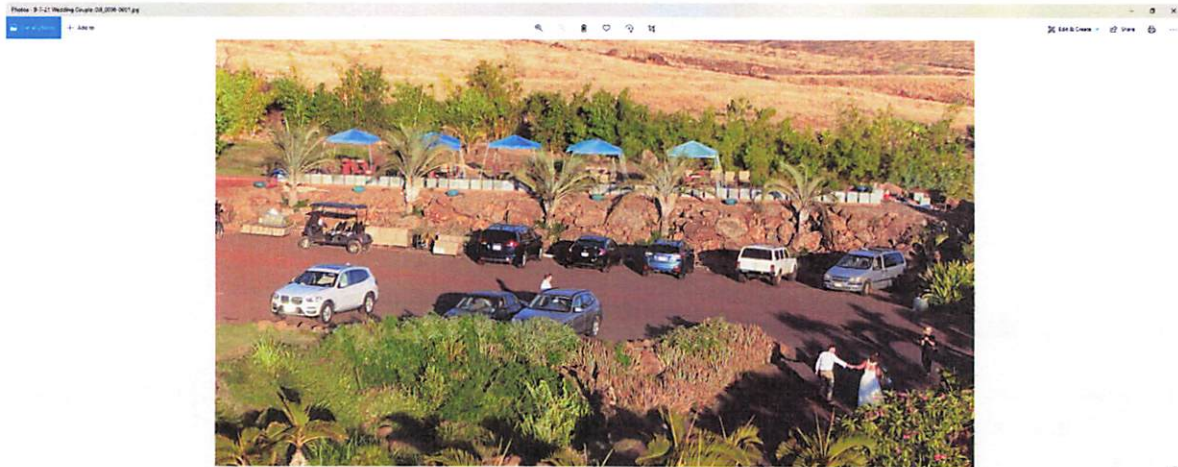
We don't see this report, there was only one in the past but there should be another one prior to this approval. Clearly more weddings were conducted than allowed. That is why there is no report.

Additional violations for ZIP line operations: Video and photos of ZIP line running past 5pm were provided to planning-we have not seen any acknowledgment of these violations from planning.

The CUP application states that parcel in question is 3 acres-but that is incorrect as the master parcel is 27.5 acres, especially because alleged agricultural activity is the necessary condition for 3 acres CPR-ed permit -as an add on activity to the ag activity. But frankly based on the miniscule amount planted, the main activity is not ag it is just an excuse to obtain all of those other permits and conduct non-ag activities.

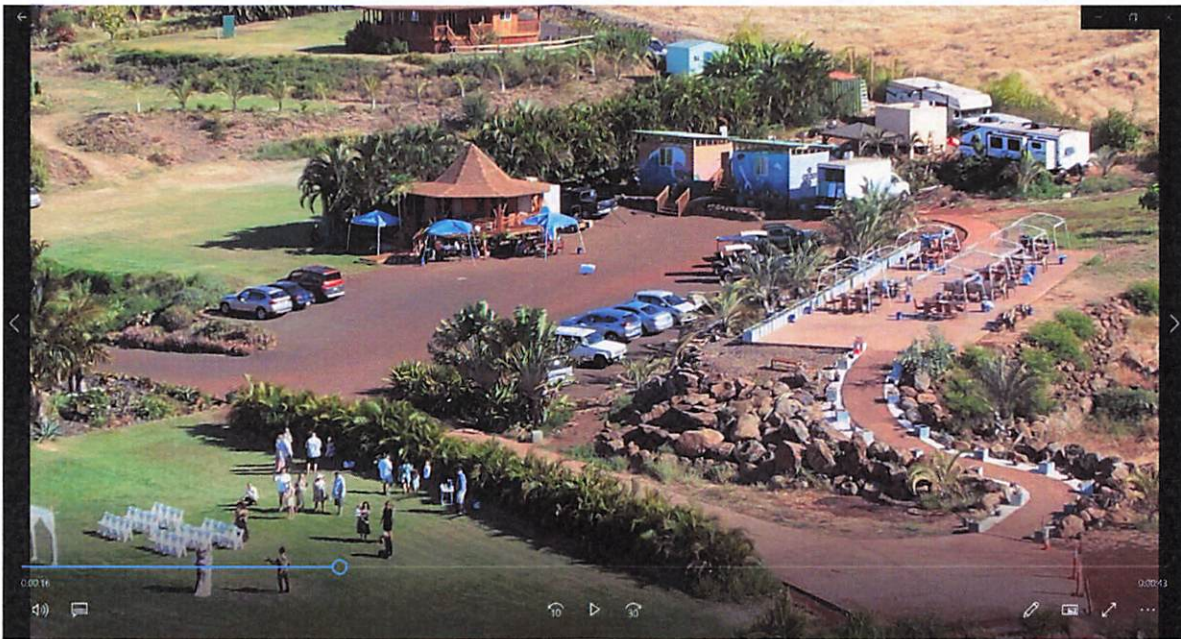
TOTAL OF 6 WEDDINGS JUST IN SEPTEMBER 2021 (only 2 are allowed per month):

9-7-21 wedding at unpermitted TVR:





9-10-21 wedding (you can see large outside patio for "Maui Mountain Cafe" as well as RVs:





9-11-21 96 chairs set up and tent exceeding 700 sf (exceeds 50 allowed guests and fire department approval not obtained), tents set up day before, taken down day after the event:



9-12-21 OVER 50 GUESTS IN ATTENDANCE:



9-17-21 WEDDING:

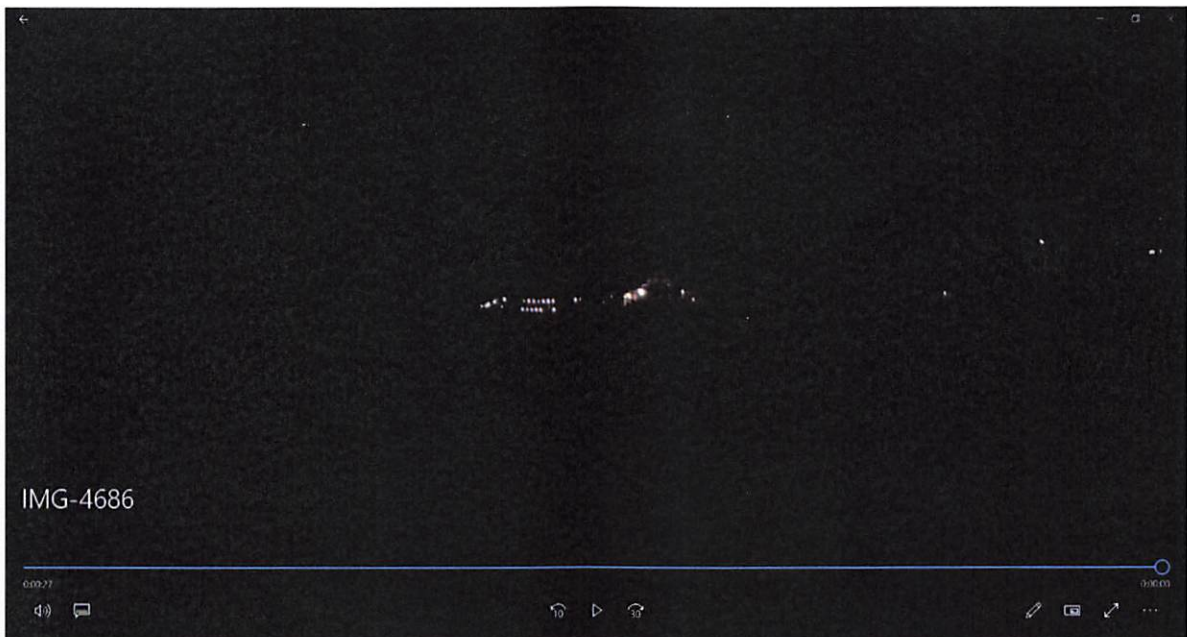


9-17-21 WEDDING AT THE COTTAGE-UNPERMITTED TVR USE AND STREET PARKING:

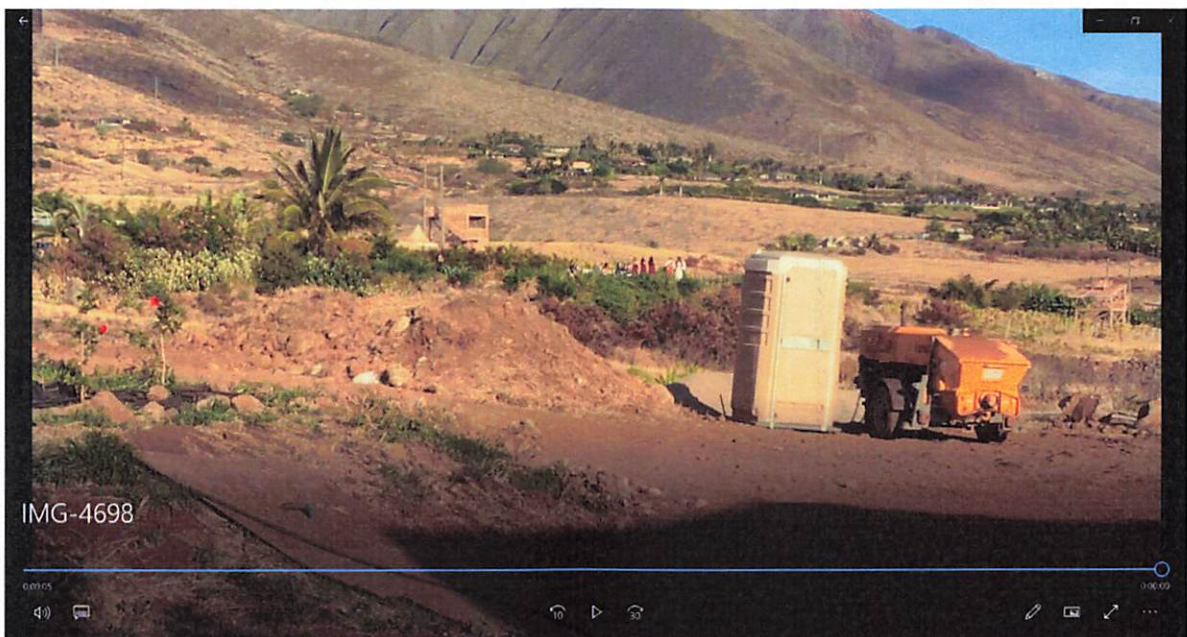


9-7-21 White van as additional sleeping accommodation (see white van between 2 RVs):

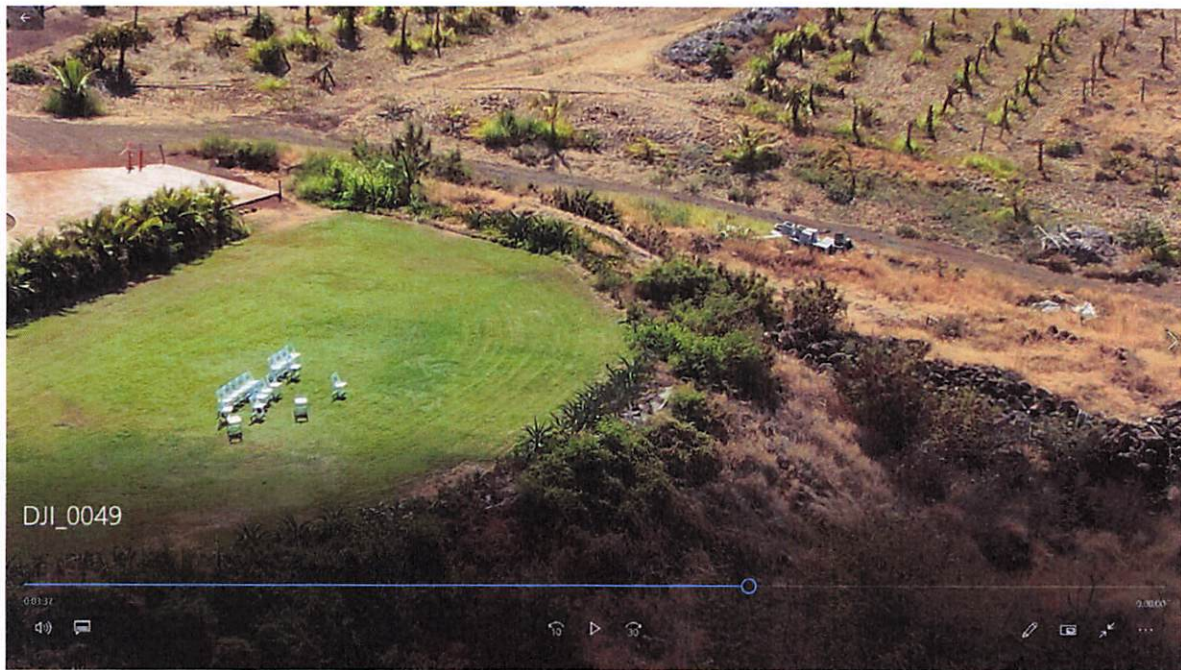
9-17-21 WEDDING AT TVR (COUPLE FRO CALIFORNIA STAYED AT THE COTTAGE OVERNIGHT) PAST 9 PM, UNSHIELDED LIGHTS, AMPLIFIED MUSIC):



9-18-21 WEDDING AT THE CEREMONY PAD:



9-19-21 WEDDING SET UP:



10-1-21 Wedding at the unpermitted TVR:



You can see that these owners are constantly lying and ridiculing the county and the community, while they are laughing their way to the bank. They are obtaining permits for lucrative non-ag activities on ag land claiming that they cannot make enough money from farming. Based on only 10% of their land being used for ag activities it is clear that agriculture is just used to game the system and obtain permits that they should have not obtained otherwise.

Anthony P. Takitani
Gilbert S.C. Keith-Agaran
David M. Jorgensen
Joseph L. Wildman

24 North Church Street, Suite 409
WAILUKU, MAUI, HI 96793-2222
(808) 242-4049 • FAX (808) 244-4021
dave@tonylaw.com

TAKITANI, AGARAN, JORGENSEN & WILDMAN

A Limited Liability Law Partnership

December 1, 2021

VIA E-MAIL (county.clerk@mauicounty.us;
tamara.paltin@mauicounty.us)

TAMARA PALTIN, CHAIR
Planning and Sustainable Land Use Committee
Maui County Council
200 S. High Street, Eighth Floor
Wailuku, Maui, Hawaii 96793

Re: PSLU-17 – Maui Dragon Fruit Farm LLC

Dear Chair Paltin and Members of the PS LU Committee:

As you may recall, I represent Vera Sredanovic and Winston Cheshire, who are neighbors of the Maui Dragon Fruit Farm (the "Farm"). I apologize but I was unaware that I was "asked" to provide an update about my clients' issues with the Farm for tomorrow's Planning and Sustainable Land Use Committee. I understand that you have closed public testimony so I assume written testimony is acceptable. In any event, I have a conflict tomorrow morning at 9:00 so I'm hoping this letter will suffice. However, if you do need any additional information, my clients and I are willing to provide it at a later date.

Here is an update on the situation out at the Farm:

1. My clients respectfully request that the ZIP line be shut down immediately, due to continuing violations of the "permitted" 9:00 am to noon, Monday through Friday, operations. For your information, this past Saturday they ran the ZIP line at 6:00 pm and then, after that, they had a very loud party at the cottage until midnight. You may recall at the last meeting that Ms. Schmitt even admitted to running a ZIP line for "sunset dinners/tours", despite the restrictions. My clients also ask that the County deny any further ZIP line permit to the Farm. Again, their lot is less than 50 acres, it is causing serious negative impacts on the community, and there is an extensive history of violations. The Farm is not being a good neighbor.
2. Ms. Schmitt, the owner of the Farm, stated on the record that, instead of the illegal RV accommodations she had been providing to the youth working on the Farm, she is now going to use the 2 bedroom with a loft, 2 bath residential dwelling on property to house six of the youth on the property and that all the rest of the youth workers live "somewhere else" that she has no information about. My clients ask that her lease with the youth be provided to the County with the names of the tenants to ensure that no substitutions or rotating of tenants or workers be allowed. If switching out of tenants does occur in violation of the short-term tenancy laws of the County and the State, we request that the dwelling be found in violation of the TVR rules, with all enforcement and fines being imposed immediately. Regarding the commercial structures and van currently onsite, we ask that the County enforce the restriction that they may not be used in any way as living quarters.

We also ask that house rules be placed at the entrance of the property, and that each tenant be provided a copy to read and sign. As you know, such house rules are intended to ensure peace for the neighborhood and should clearly spell out 9:00 pm to 8:00 am quiet hours and prohibit screaming and amplified sound. We also ask that they be required to turn off the "gift shop" lights when the business is closed to the public and that no parties may be held there. As you'll recall, Ms.

TAMARA PALTIN, CHAIR
Planning and Sustainable Land Use Committee
Page 2
December 1, 2021


Schmitt agreed at the hearing that the tenants should respect the neighbors, and she insisted that they were not having any late-night parties, but she refused to police them or impose on their rights to privacy and she could not refute my clients' evidence of improper conduct. Ms. Schmitt also admitted that she is an absentee owner who lives in Haiku and has no idea what goes on at night on the Farm, and that she takes her tenants word for it when they say they are not partying late into the night or bothering the neighbors. All of that is simply untrue, as my clients have confirmed.

3. Ms. Schmitt agreed on the record to withdraw her request for a wedding permit and promised to only conduct 11 the weddings she has already scheduled between now and July, 2022, and to hold no other group events except for farm tours. My clients request that Ms. Schmitt confirm in writing that no additional events will be allowed beyond those 11 weddings, and that no group events will be held on the property after the July deadline. To avoid any doubt, we ask that the Ms. Schmitt and the Farm specifically acknowledge in writing that they are relinquishing their rights to conduct weddings after July, 2022, that they will not apply again in the future to hold weddings at 833 Punakea Loop, and that no other group events except for farm tours will be held there. My clients also request that a calendar of all scheduled events be provided, that no substitutions or rescheduling be allowed if there are any cancellations, and that if any violations occur, all remaining events shall be cancelled.

My clients truly want to be good neighbors but Ms. Schmitt and the Farm have simply not reciprocated or cooperated. Her statements at the hearing only served to confirm that she has no intention of controlling the youth that are living and working on her property, or to respect her neighbors' rights to peaceably enjoy their properties and the agricultural nature of the area. Simply growing some fruit does not excuse all of the other offensive and illegal activities that are taking place on the Farm. We hope that you will hold Ms. Schmitt and the Farm accountable for their actions.

My clients and I thank you for your hard work on this matter and your consideration of their position.

Sincerely,



DAVID M. JORGENSEN
Clients/Letters/Cheshire/Tamara Paltin

c: Client (via e-mail)

County Clerk

From: Tamara A. Paltin
Sent: Thursday, January 20, 2022 8:50 PM
To: County Clerk
Subject: Fwd: Security Cameras
Attachments: camerasystem.jpg; cameraviews.jpg; ziplinecamera.jpg; cameracloseup.jpg; entrancecamera.jpg

RECEIVED
2022 JAN 21 AM 7:47
OFFICE OF THE
COUNTY CLERK

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From: Larry Schmitt <larry@mauidragonfruit.com>
Sent: Thursday, January 20, 2022 8:48:06 PM
To: Tamara A. Paltin <Tamara.Paltin@mauicounty.us>
Subject: Security Cameras

[You don't often get email from larry@mauidragonfruit.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha Tamara,

We installed two Blink security cameras to monitor the zipline and farm entrance.

Attached please find photos showing the system box, the camera pointing at the zipline and the camera pointing at the events area, as well as a screenshot of the camera views on a phone.

Thank you.

Crystal and Larry Schmitt





G8T1-GH00-1306-EHGV









County Clerk

RECEIVED

From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Tuesday, January 18, 2022 5:04 PM
To: County Clerk
Subject: Testimony re Bill 1 (2022)

2022 JAN 19 AM 7: 48

OFFICE OF THE
COUNTY CLERK

Council Members,

I'm writing regarding agenda item for final reading of Bill 1 (2022) pertaining to the conditional use permit extension for Maui Dragon Fruit Farm.

Please pass the bill as written. I understand this bill will extend the conditional use permit to July 12, 2022. It will only permit 11 previously booked special events prior to expiration. This is a great solution as it enables the event operation to be gradually shut down while honoring customers with wedding venue commitments. Thank you for valuing neighbor input in the permit evaluation process and for coming up with a workable solution.

Jeff Anderson

County Clerk

From: Shauna Buckner <sbuck315@yahoo.com>
Sent: Thursday, January 20, 2022 1:23 PM
To: County Clerk
Subject: Bill 1 (2022) Please DENY

RECEIVED

2022 JAN 20 PM 2:04

OFFICE OF THE
COUNTY CLERK

You don't often get email from sbuck315@yahoo.com. [Learn why this is important](#)

Aloha County Council, and mahalo for your consideration.

Please deny Bill 1 (2022). As I've previously provided feedback on, the noise from the Maui Dragon Fruit Farm is not acceptable. We are a quiet, agricultural neighborhood. It is loud and beyond the hours that they are supposed to operate. Not to mention the bright lights from what sounds and looks to be big events/parties. Also, they did not replant their farm after the big fire, so they are not using the land for agricultural use as it's intended - and I don't think they even had the acreage planted before the fire that was required either. From my new understanding of the CUPs they've previously obtained, they are not following most, if not all, of the requirements. It is blatant disregard. I've heard from many neighbors about this 'in your face' disregard for the appropriate use of this land, and of course the breaking of the CUP requirements, has been going on a long time. As someone who uses our own land as expected and required, I don't appreciate them not being held to the same standards as the rest of us that are being good stewards.

Best regards,

Shauna Buckner
Punakea Loop
Full-time Resident

County Clerk

From: Lisa Wear <lisajarrell@icloud.com>
Sent: Wednesday, January 19, 2022 7:47 PM
To: County Clerk
Subject: Deny Bill 1 (2022)

RECEIVED
2022 JAN 20 AM 7:49
OFFICE OF THE
COUNTY CLERK

[You don't often get email from lisajarrell@icloud.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Dear Council and Chair,

I am in the process of closing on a property close to MDFF. In the process I have driven up many times and on occasion I saw young adults hitchhiking to MDFF. I picked some of them up and they told me they come to work as farm workers in exchange for lodging. Most recently I picked a girl last week heading to the farm. I was curious since I am moving to this neighborhood, so I wanted to know what is going on at the farm. I went over and spoke to a girl at the farm. I noticed that kids are running the ZIP lines, and conducting tours, but could not see much ag activity there. I asked them about the farm and what is cottage used for. They told me that 10 of them live at the cottage. I also noticed that they had only a small patch of land planted with Dragon Fruits -right between the ZIP line. I also noticed that a lot of people were ZIP lining. I took some brochures with me and I can see that they are advertising 27 acres of Dragon Fruit Farm-that is very overstated as it looked to me they only have a couple of acres. I heard from neighbors that MDFF conducted a lot of events that violated conditions of this CUP. Please deny this CUP to stop this behavior in the future.

Mahalo,

Lisa Jarrell
714-307-0069