

STATUS



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COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of August 27, 2024
9:00 a.m.

Meeting Site: Online via Teams: <http://tinyurl.com/2p9zhjr2>

Phone testimony: 1-808-977-4067, code 234 794 559#

In-Person Testimony and Viewing: Council Chamber, Kalana O Maui Building, 8th Floor,
200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast:
Akakū – Maui Community Media, Channel 53

COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES:

East Maui: Hāna Community Center, 5091 Uakea Road, Hāna, (808) 248-7513

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

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

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

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

Subject to change and staffing availability without notice. Visit mauicounty.us for more information.

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

e-mail: county.clerk@mauicounty.us

A. ROLL CALL

B. OPENING REMARKS:

COUNCIL CHAIR ALICE LEE

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

Reso 24-156 "RECOGNIZING CAPTAIN RILEY E. COON AND THE TRILOGY EXCURSIONS
Adopted 'OHANA FOR THEIR HEROIC EFFORTS DURING THE AUGUST 8, 2023,
(9-0) WILDFIRES"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

NONE.

I. ACTION ON THE CONSENT CALENDAR

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NONE.

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:

Housing and Land Use Committee

CR 24-79 Recommending **FIRST READING** of Bill 23, CD1(2024), to grant a
 Adopted Community Plan Amendment for 268.349 acres of real property identified as
 (8-1) tax map keys (2) 4-9-001:021, 024, 030; (2) 4-9-002:001 (por.), 061 (pors.);
 (2) 4-9-018:002 (pors.), 003 (pors.), 005; and (2) 4-9-021:009, located in
 Lāna'i City, Lāna'i, Hawai'i, by adding acreage, removing existing acreage, and
 adjusting the specific land uses within the Lāna'i Community Plan designation.

L. RESOLUTIONS:

- HLU** Reso 24-143 "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS
 A PROPOSED BILL AMENDING SECTION 19.35.050, MAUI COUNTY CODE,
 RELATING TO THE NUMBER OF ACCESSORY DWELLINGS PER LOT"

- Reso 24-144 "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR
GREAT THE COUNTY OF MAUI"

- Reso 24-145 "APPOINTMENT OF MEMBERS TO THE CONSERVATION PLANNING
 Adopted (9-0)
 as amended COMMITTEE FOR THE COUNTY OF MAUI"

- Reso 24-146 "APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT
GREAT COMMISSION FOR THE COUNTY OF MAUI"

- Reso 24-147 "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY
GREAT COMMISSION FOR THE COUNTY OF MAUI"

- Reso 24-148 "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY CULTURAL
 Adopted (9-0)
 as amended RESOURCES COMMISSION"

- Reso 24-149 "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR
GREAT THE COUNTY OF MAUI"

- Reso 24-150 "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY
GREAT FOR THE COUNTY OF MAUI"

- Reso 24-151 "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION
 Adopted (9-0)
 as amended FOR THE COUNTY OF MAUI"

- Reso 24-152 "APPOINTMENT OF MEMBERS TO PUBLIC WORKS COMMISSION FOR THE
GREAT COUNTY OF MAUI"

- Reso 24-153 "APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD
 Adopted (9-0)
 as amended FOR THE COUNTY OF MAUI"

- ~~DRIP~~ Reso 24-154 "URGING THE ADMINISTRATION TO CONSIDER CREATING AN ARSON AND
 Adopted (9-0) FIRE HAZARD REDUCTION UNIT WITHIN THE COUNTY OF MAUI"

- ~~BFED~~ Reso 24-155 "AUTHORIZING THE COUNCIL CHAIR TO ISSUE A REQUEST FOR
ESCS PROPOSALS FOR A FEASIBILITY STUDY OF A COUNTY DEPARTMENT OF
 GRANTS MANAGEMENT"

M. ORDINANCES:

- BFED** Bill 124 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET
(2024) BFED FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF MANAGEMENT,
 MANAGEMENT PROGRAM; CAPITAL IMPROVEMENT PROJECTS,
 DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN
 AREA; AND APPENDIX C, DEPARTMENT OF MANAGEMENT,
 WAILUKU-KAHULUI COMMUNITY PLAN AREA"
- BFED** Bill 125 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET
(2024) BFED FOR THE COUNTY OF MAUI, REVENUES AND OFFICE OF THE MAYOR,
 ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS
 FOR WATER AND ENVIRONMENTAL RESOURCE PROTECTION"
- DRIP** Bill 126 "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 10.79, MAUI COUNTY
(2024) DRIP CODE, RELATING TO ELECTRIC VEHICLE INFRASTRUCTURE"
- ESCS** Bill 127 "A BILL FOR AN ORDINANCE TO IMPLEMENT CHARTER SECTION 13-17
(2024) ESCS REQUIRING THE COUNTY TO OPERATE AS A BILINGUAL GOVERNMENT
 AND TO PUBLISH OFFICIAL MEETING AGENDAS IN ENGLISH AND 'OLELO
 HAWAII"
- BFED** Bill 128 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.97, MAUI COUNTY
(2024) BFED CODE, ON USE OF THE MANAGED RETREAT REVOLVING FUND"

ORDINANCES - SECOND AND FINAL READING:

- ~~(ADPT)~~ Bill 17 (2022) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY
Passed (9-0) CODE, TO PROHIBIT PRIVATE RESTRICTIONS ON SMALL-SCALE
 AGRICULTURAL USES AND THE KEEPING OF ANIMALS IN ANY RURAL
 DISTRICT"
- ~~(ILLU)~~ Bill 28, CD1 "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT
(2024) CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT
Passed (5-4) (CONDITIONAL DISTRICT BOUNDARY AMENDMENT) FOR PROPERTY
 SITUATED AT WAILUKU, MAUI, HAWAII, PORTION OF TAX MAP KEY (2)
 3-3-001:106"

This bill relates to the Hale Mahaolu Ke Kahua Affordable Housing Community Project.
- ~~(ILLU)~~ Bill 67, CD1 "A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI
(2024) COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO
Passed (9-0) BUSINESS/COMMERCIAL FOR 6.842 ACRES IN KAHULUI, MAUI, HAWAII,
 IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027
 (QUEEN KA'AHUMANU CENTER), AND TO AMEND THE TEXT OF THE
 WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED"

- ~~(HLU)~~ Bill 68, CD1, FD1 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-2 HEAVY INDUSTRIAL DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT (CONDITIONAL ZONING) FOR 33.764 ACRES IN KAHULUI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER)"
- ~~(HLU)~~ Bill 69, CD1 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR 21,711 SQUARE FEET IN HANA, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 1-4-013:001 (HANA STORE STORAGE BUILDING)"
- ~~(ADEPT)~~ Bill 100, CD1 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE AMENDING SECTION 19.30A.050, MAUI COUNTY CODE, RELATING TO COMPOSTING IN THE AGRICULTURAL DISTRICT"
- ~~(DEPD)~~ Bill 112 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX B, DEPARTMENT OF PUBLIC WORKS, GENERAL FUND, FLOOD DEVELOPMENT PERMITS"
- ~~(DEPD)~~ Bill 113, FD1 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.29, MAUI COUNTY CODE, RELATING TO FLOOD HAZARD AREAS"
- ~~(HLU)~~ Bill 114, FD1 (2024)
 Tabled/Postponed
 "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR APPROXIMATELY 0.75 ACRES LOCATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY (2) 4-5-014:054 (GRACE BAPTIST CHURCH)"
- ~~(DEPD)~~ Bill 119 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF THE PROSECUTING ATTORNEY, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM"
- ~~(DEPD)~~ Bill 120 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS FOR BUSINESS DEVELOPMENT AND TECHNOLOGY, MAKAWAO-PĀ'IA-HA'IKŪ, PUKALANI-KULA-'ULUPALAKUA, AND SOUTH MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"
- ~~(DEPD)~~ Bill 121 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX B, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SEWER FUND, CHARGES FOR CURRENT SERVICES, FEES - SEWER COLLECTION, MONTHLY USE CHARGE - NON-RESIDENTIAL"
- ~~(DEPD)~~ Bill 123 (2024)
 Passed (9-0)
 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART II, AFFORDABLE HOUSING FUND, 258 KUPUOHI STREET, LĀHAINĀ, MAUI, HAWAII"

N. UNFINISHED BUSINESS:

NONE.

BOARD PACKETS, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

ORAL TESTIMONY. For more information on testifying, please visit <https://www.mauicounty.us/teams/>

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Testimony must pertain to items on the agenda.

In the meeting controls at the top of the Teams screen, select RAISE YOUR HAND. Staff will add your name to the testifier list and will lower your hand. You may check your place in line by accessing the Testifier Log, with the link posted in Chat. When it is your turn to testify, staff will call your name and will allow you to unmute your video and microphone. State your name, if you choose to do so, and also identify the item number(s) on which you wish to testify.

To testify via phone, please call in to the phone number and enter the meeting ID noted on the first page of this agenda. Follow the instructions provided on the call to raise your hand to be added to the testifier list. When it is your turn to testify, the Clerk will call the last four digits of the testifier's phone number. You will be able to unmute yourself when called to testify.

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

If a meeting participant wishes to testify anonymously, log in to the meeting with "anonymous" as your name and virtually raise your hand as described above.

DECORUM. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Council members, be ejected or banned from Council meetings. If participating remotely, participants may be muted or dropped from the meeting for breaking decorum. Examples of disruptive behavior include, but are not limited to: heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Council, staff, or general public. Use of the chat feature is restricted to County use only. It shall be considered a breach of decorum for members of the public to use the Chat.

WRITTEN TESTIMONY may be submitted by e-mail to county.clerk@mauicounty.us, by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted. Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk at (808) 270-7748 prior to the meeting.

INTERRUPTION IN VIDEO/AUDIO. This meeting is being conducted in accordance with Section 92-3.7, HRS. Nothing said in the meeting or included in the agenda is intended to create obligations in excess of those required under Section 92-3.7, HRS. If Teams connectivity affecting quorum is lost, Council will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the Teams connection is prematurely terminated, for whatever reason, please log back into the same link. If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., using the same virtual connections, unless the Council announces a different date and time.

If any Courtesy Testimony Site loses its connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from that site.

If Akakū prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will include archived meeting videos.

DISABILITY ACCESS. Anyone requesting an auxiliary aid or service or other accommodation due to a disability should contact the County Clerk as soon as possible prior to the meeting date at (808) 270-7748 or county.clerk@mauicounty.us and allow for adequate time to fulfill the request.