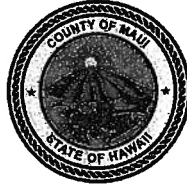


# STATUS

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OFFICE OF THE  
COUNTY CLERK

## COUNCIL OF THE COUNTY OF MAUI

### AGENDA

Regular Council Meeting of August 13, 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: Personnel Services Conference Room,  
Kalana O Maui Building, 6th Floor,  
200 South High Street, Wailuku, Hawaii'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](http://mauicounty.us) for more information.

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

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

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A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER TASHA KAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

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:

*postponed then filed*  
CC 24-25      COUNCIL CHAIR LEE, transmitting a proposed amendment to Resolution 24-109, CD1, entitled "APPOINTMENTS TO THE BOARD OF ETHICS, BOARD OF WATER SUPPLY, CONSERVATION PLANNING COMMITTEE, COST OF GOVERNMENT COMMISSION, COUNCIL ON AGING, FIRE AND PUBLIC SAFETY COMMISSION, LIQUOR CONTROL COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, MAUI PLANNING COMMISSION, MAUI REDEVELOPMENT AGENCY, MOLOKAI PLANNING COMMISSION, PĀ'IA-HA'IKŪ ADVISORY COMMITTEE, SOUTH MAUI ADVISORY COMMITTEE, PUBLIC WORKS COMMISSION, AND URBAN DESIGN REVIEW BOARD".

*postponed then filed*  
CC 24-26      HOUSING AND LAND USE COMMITTEE CHAIR, transmitting an amendment to Resolution 24-115, entitled "AUTHORIZING AN AMENDMENT TO RESOLUTION 24-46, FD1 TO ADD LOTS TO THE GRANT OF LEASE OF COUNTY REAL PROPERTY TO COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT".

*postponed then filed*  
 CC 24-27 COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed amendment to Bill 28, CD1 (2024), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL DISTRICT BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, PORTION OF TAX MAP KEY (2) 3-3-001:106".

*postponed then filed*  
 CC 24-28 BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE CHAIR, transmitting a proposed amendment to Bill 113 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5603, RELATING TO FLOOD HAZARD AREAS".

**2. GENERAL COMMUNICATIONS:**

NONE.

**K. COMMITTEE REPORTS:**

**Agriculture, Diversification, Environment, and Public Transportation Committee**

*Pass 9-0*  
 CR 24-70 Recommending **FIRST READING** of Bill 100, CD1 (2024), to permit composting and co-composting operations as a principal use in the County's Agricultural District, subject to the restrictions of Chapter 205, Hawai'i Revised Statutes.

*Pass 8-0 (KRF excused)*  
 CR 24-71 Recommending **FIRST READING** of Bill 17 (2022), to amend Chapter 19.29, Maui County Code, to prohibit instruments of conveyance restricting small-scale agricultural uses and the keeping of animals in any County rural zoning district.

**Government Relations, Ethics, and Transparency Committee**

*Adopt 9-0*  
 CR 24-72 Recommending **ADOPTION** of Resolution 24-110, CD1, to approve the Mayor's appointment of Richard E. Mitchell as the Director of Housing.

*Adopt 9-0*  
 CR 24-73 Recommending **ADOPTION** of Resolution 24-111, CD1, to approve the Mayor's appointment of Kumu Hula Kapono'ai Molitau as the Director of 'Ōiwi Resources.

*Adopt 9-0*  
 CR 24-74 Recommending **ADOPTION** of Resolution 24-124, to approve the Mayor's appointment of Marcy Martin as the Director of Finance.

*Amend per CC 24-25 & file cc-15-4 (pass)*  
*Adopt, as amended 9-0*  
 CR 24-75 Recommending **ADOPTION** of Resolution 24-109, CD1, to approve the appointments of Randol Leach to the Board of Ethics; Jeffrey Steven Borge to the Board of Water Supply; Benjamin Ray Ostrander (Reappoint, Lāna'i) to the Conservation Planning Committee; Joaquin Perreira Freitas, Jr. to the Cost of Government Commission; Chase Leigh Traphagen (Reappoint) to the Council on Aging; John "Keone" Edward Ball to the Fire and Public Safety Commission; Richard Bruce Woodford to the Liquor Control Commission; Ke'eaumoku J. Kapu (Reappoint) to the Maui County Cultural Resources Commission; Rebecca Lopez (Reappoint) to the Pā'ia-Ha'ikū Advisory

Committee to Maui Planning Commission; Shane Keala Awai (Alternate) and Steven James Notman (Alternate) to the Public Works Commission; Clint Leslie Hansen and Brian Thomas Ward to the South Maui Advisory Committee to Maui Planning Commission; and disapproving the appointments of Monroe Thomas Bryce to the Board of Water Supply; Christopher Jesse Imbach to the Board of Water Supply; Dale Brian Bonar to the Conservation Planning Committee; Jake Dylan Musson to the Cost of Government Commission; Bruce Hiwahiwa U'u to the Fire and Public Safety Commission; CarolLee Lani Puana Kamekona to the Maui County Cultural Resources Commission; Jared Sam Puyaoan Agtunong to the Maui Redevelopment Agency; Josiah Kaleo Ching to the Molokai Planning Commission; Jessica Wai Han Parker to the Molokai Planning Commission; Charla Ann Zewzetta Kahealani Konohia to the Pā'ia-Ha'ikū Advisory Committee to Maui Planning Commission; Kevin Kaonohi Ke'a to the Public Works Commission; and Fujio Cullen Tsuneoka to the Urban Design Review Board.

**Housing and Land Use Committee**

CR 24-76      Recommending the following:

*Pass 9-0*

1. **FIRST READING** of Bill 69, CD1 (2024), to change the zoning from Urban Reserve District to B-CT Country Town Business District (Conditional Zoning) for 21,711 square feet in Hāna, Maui, Hawai'i, tax map key (2) 1-4-013:001, for Hāna Store Storage Building to reestablish commercial uses on the property; and
2. **RECORDATION** of the Unilateral Agreement.

CR 24-77      Recommending the following:

*Pass 9-0*

1. **FIRST READING** of Bill 67, CD1 (2024), to change the Wailuku-Kahului Community Plan land use designation from Heavy Industrial to Business/Commercial for 6.842 acres in Kahului, Maui, Hawai'i, tax map keys (2) 3-7-002:020 (por.) and (2) 3-7-002:027, for the Queen Ka'ahumanu Community Center Revitalization and Infill Project, for mixed-use development consisting of affordable housing, retail, office, services, and open space;
2. **FIRST READING** of Bill 68, CD1 (2024), to change the zoning from M-2 Heavy Industrial District to B-3 Central Business District (Conditional Zoning) for 33.764 acres in Kahului, Maui, Hawai'i, 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 for the Queen Ka'ahumanu Community Center Revitalization and Infill Project, for mixed-use development consisting of affordable housing, retail, office, services, and open space; and
3. **RECORDATION** of the Unilateral Agreement.

*Pass, as amended  
9-0*

CR 24-78

Recommending the following:

1. **FIRST READING** of Bill 28, CD1 (2024), to grant a District Boundary Amendment from Agricultural District to Urban District for 9.798 acres of an 11.476-acre property located at the corner of Kahekili Highway and Waiehu Beach Road, Wailuku, Maui, Hawai'i, tax map key (2) 3-3-001:106, to construct the Hale Mahaolu Ke Kahua Affordable Housing Community Project, consisting of 120 multi-family units within 13 two-story buildings, a nonprofit building, and a clubhouse; and
2. **RECORDATION** of the Unilateral Agreement.

- Amend per CC 24-27  
 + file CC - (4-5)  
 fails  
 - pass (5-4), as is  
 - File CC 24-27 (8-0), *KRF excused*

**L. RESOLUTIONS:**

Reso 24-18 "AUTHORIZING SETTLEMENT OF MAUI ELECTRIC COMPANY, LIMITED'S CROSS-CLAIM AGAINST THE COUNTY OF MAUI IN YOGI, TERENCE & DIANE v. E.H. a minor, et. al., CASE NO. 2CC-18-000408"

Adopt, as amended  
 8-0

Reso 24-115 "AUTHORIZING AN AMENDMENT TO RESOLUTION 24-46, FD1 TO ADD LOTS TO THE GRANT OF LEASE OF COUNTY REAL PROPERTY TO COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT"

- Amend per CC 24-26  
 + file CC - 9-0  
 - Adopt, as amended-9-0

Reso 24-120 "AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN ALEXA JACOBS V. CLIFTON PERREIRA, ET AL., CIVIL NO. 2CCV-23-0000185"

Adopt 9-0

Reso 24-137 "AUTHORIZING SETTLEMENT OF LLOYD ADAMS, ET AL. V. TIMOTHY FORSBERG, ET AL. V. MAUI POLICE DEPARTMENT AND ANTHONY BUCHANAN, CIVIL NO. 2CC16-1-0000162"

GREAT

Reso 24-138 "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION (CONDITIONAL DISTRICT BOUNDARY AMENDMENT) FROM THE AGRICULTURAL DISTRICT TO THE RURAL DISTRICT FOR A PORTION OF TAX MAP KEY (2) 1-4-003:022, HANA, MAUI, HAWAII (HANA HEALTH)"

Amend per KSF 9-0  
 Adopt, as amended  
 (9-0)

Reso 24-139 "AFFIRMING THE MAUI COUNTY COUNCIL'S COMMITMENT TO HOST THE 2026 HAWAII STATE ASSOCIATION OF COUNTIES' ANNUAL CONFERENCE"

Adopt 9-0

Reso 24-140 "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE, FOR THE KAIAPULU O KUPUOHI AFFORDABLE HOUSING PROJECT"

Adopt 8-0

Reso 24-141 "AUTHORIZING THE ACQUISITION OF REAL PROPERTY CONSISTING OF 2.127 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 4-5-010:047 SITUATED AT LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$3,100,000.00"

Adopt, as amended  
 8-0

*Adopted, as amended  
8-0*

Reso 24-142

"AUTHORIZING A GRANT OF GROUND LEASE TO A0704 LAHAINA, L.P., FOR REAL PROPERTY, LOCATED AT 258 KUPUOHI STREET, LAHAINA, MAUI, HAWAII, AND IDENTIFIED FOR REAL PROPERTY TAX PURPOSES AS TAX MAP KEY NUMBER (2) 4-5-010:047"

**M. ORDINANCES:**

*Passed 9-0*

Bill 112  
(2024)

"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"

*Passed, as amended  
9-0*

Bill 113  
(2024)

"A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5603, RELATING TO FLOOD HAZARD AREAS"

*Passed, as amended  
9-0*

Bill 114  
(2024)

"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)"

*BFED*

Bill 115  
(2024)

"A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE DEADLINE FOR FILING CLAIMS FOR REAL PROPERTY TAX EXEMPTIONS"

*GREAT*

Bill 116  
(2024)

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM, AND CHAPTER 3.40, MAUI COUNTY CODE, RELATING TO CONCESSION AWARDS AND RENTAL OR LEASE OF COUNTY PROPERTY"

*WASSP*

Bill 117  
(2024)

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04A, MAUI COUNTY CODE, RELATING TO A SPECIAL EVENT PERMIT EXEMPTION FOR MAUI COUNTY LEGACY FESTIVALS"

*BFED*

Bill 118  
(2024)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, REVENUES AND DEPARTMENT OF WATER SUPPLY, WATER OPERATIONS PROGRAM"

*Passed  
9-0*

Bill 119  
(2024)

"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"

*Passed  
9-0*

Bill 120  
(2024)

"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"

- Passed  
9-0 Bill 121 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET  
(2024) 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"
- BFED Bill 122 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET  
(2024) FOR THE COUNTY OF MAUI, REVENUES AND DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM, EAST MAUI WATER AUTHORITY STUDY"
- Passed  
9-0 Bill 123 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET  
(2024) FOR THE COUNTY OF MAUI, APPENDIX A, PART II, AFFORDABLE HOUSING FUND, 258 KUPUOHI STREET, LĀHAINĀ, MAUI, HAWAII"

**ORDINANCES - SECOND AND FINAL READING:**

- Passed  
9-0 Bill 108 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET  
(2024) FOR THE COUNTY OF MAUI, GENERAL BUDGET PROVISIONS; APPENDIX A, PART II, IMMIGRANT SERVICES DIVISION UNITED STATES PASSPORT APPLICATION ACCEPTANCE FACILITY REVOLVING FUND; AND APPENDIX B, DEPARTMENT OF HUMAN CONCERNS, SPECIAL REVENUE/TRUST AND AGENCY FUND, CHARGES FOR CURRENT SERVICES"
- Passed  
9-0 Bill 109 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET  
(2024) FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF PUBLIC WORKS, UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT"

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

**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](mailto:county.clerk@mauicounty.us) and allow for adequate time to fulfill the request.