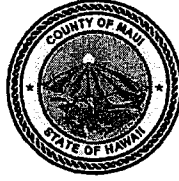


# STATUS



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OFFICE OF THE  
COUNTY CLERK

## COUNCIL OF THE COUNTY OF MAUI

### AGENDA

Regular Council Meeting of December 23, 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](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:

Reso 24-204 "CONGRATULATING THE DEPARTMENT OF FIRE AND PUBLIC SAFETY ON  
*adopted* ITS 100TH ANNIVERSARY OF DEDICATED SERVICE TO THE PEOPLE OF  
MAUI COUNTY"

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:

*filed  
7/1/2024  
TP, GJ*  
CC 24-34 COUNCILMEMBER PALTIN, transmitting a proposed amendment to Resolution  
23-189, entitled "URGING THE STATE OF HAWAII TO CREATE AND  
SUPPORT A TASK FORCE TO ADDRESS THE URGENT PROBLEM OF  
MISSING PERSONS IN HAWAII".

2. GENERAL COMMUNICATIONS:

NONE.

**K. COMMITTEE REPORTS:**

**Budget, Finance, and Economic Development Committee**

CR 24-121      Recommending **REFERRAL** of bills to the Council Chair for the term beginning January 2, 2025, relating to: (1) amending Title 3, Maui County Code, on monetary donations during an emergency; and (2) amending Chapter 3.97, Maui County Code, on use of the Managed Retreat Revolving Fund.

Referred

CR 24-122      Recommending **FIRST READING** of Bill 170, CD1(2024), to amend the Fiscal Year 2025 Budget, by: 1) amending Section 2, Estimated Revenues, by increasing Carryover/Savings, General Fund, by \$1,500,000; 2) amending Section 4.C.3.a.(1).(i), Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, General Fund, by increasing the appropriation for the 60 South Church Street Building Renovations in the amount of \$1,500,000; 3) adjusting the totals accordingly; and 4) amending Appendix C - Capital Improvement Projects, Department of Management, Wailuku-Kahului Community Plan Area, by increasing the appropriation for the 60 South Church Street Building Renovations by \$1,500,000.

pass 1st rdg

7ayes  
2exc.  
TP,GJ

**Disaster, Resilience, International Affairs, and Planning Committee**

CR 24-123      Recommending **REFERRAL** of resolutions to the Council Chair for the term beginning, January 2, 2025, relating to: (1) parking for electric vehicles; (2) initiating updates to the West Maui Community Plan in alignment with West Maui's infrastructure plans in the aftermath of the August 2023 wildfires; and (3) providing for the establishment of the West Maui Hospital and Medical Center through the guarantee of State Special Purpose Revenue Bond issuance.

Referred  
7ayes  
2exc. TP,GJ

CR 24-124      Recommending the following:

1. **FIRST READING** of Bill 21, CD1 (2023), to: 1) allow after-hours emergency airstrip operations at Kapalua Airport by amending the Conditions of Zoning under Section 19.510.050, Maui County Code; and 2) correct the tax map keys, property description, and acreage for Kapalua Airport; and

Referred Bill  
7ayes  
2exc. TP,GJ

2. **RECORDATION** of the Unilateral Agreement.

**Efficiency Solutions and Circular Systems Committee**

CR 24-125      Recommending **REFERRAL** of bills to the Council Chair for the term beginning January 2, 2025, relating to: (1) amending Chapter 20.08.031, Maui County Code, relating to cultural resource protection; and (2) amending Chapter 1.16, Maui County Code, relating to public inspection of administrative rules.

Referred  
7ayes  
2exc. TP,GJ



7aycs  
2exc.  
TP,6J

CR 24-126  
PASS 1st

CR 24-127  
PASS 1st

Recommending **FIRST READING** of Bill 127, CD1 (2024), to implement Charter Section 13-17 requiring the County to operate as a bilingual government and to publish official meeting agendas in English and 'ōlelo Hawai'i.

Recommending **FIRST READING** of Bill 117, CD1 (2022), to authorize the Mayor to enter into an intergovernmental agreement with the University of Hawai'i to provide Hawaiian language and Hawaiian studies workshops through UH Maui College for County employees.

**Housing and Land Use Committee**

CR 24-128

Referred

7aycs  
2exc  
TP,6J

Recommending **REFERRAL** of bills to the Council Chair for the term beginning January 2, 2025, relating to: (1) amending Subsection 2.96.060(B), Maui County Code, to amend the residential workforce housing deed restrictions to increase the time period for all restrictions; (2) amending Chapter 3.35, Maui County Code, to provide a stable and continuing source of funding to be used for planning, administering, and constructing affordable and workforce housing projects and to provide a policy for the use of the funding; (3) establishing an ordinance that restarts the deed-restricted period when a residential workforce housing unit is sold during the deed-restricted period; (4) amending the eligibility criteria for rental residential workforce housing units to expand eligibility to individuals or families displaced by an emergency under Chapter 127A, Hawai'i Revised Statutes or who are income and asset qualified but held a disqualifying interest in real property within the last three years; (5) a Change the Zoning, with conditions, of properties related to Lanai Project District 2 (Koele), at Lāna'i City, Lāna'i, Hawaii, and an amendment to Chapter 19.71, Maui County Code, relating to Lanai Project District 2 (Koele); (6) increasing the deed-restriction period for residential workforce housing ownership units and expediting the County's purchase of residential workforce housing units when offered to the County; (7) increasing the allowable density in the R-1, R-2, and R-3 Residential Zoning Districts to provide additional housing opportunities in Maui County; (8) providing lower-cost opportunities for more autonomous living areas in a dwelling unit by allowing for kitchenettes in dwelling units in the Residential and Rural Districts on Maui and Lana'i and requiring a dwelling unit with a kitchenette to be occupied on a long-term residential basis; and (9) addressing nonconforming structures and uses damaged, destroyed, or affected by an emergency or disaster declared by proclamation of the Governor to constitute a state of emergency under Chapter 127A, Hawai'i Revised Statutes.

**Water and Infrastructure Committee**

CR 24-129

Referred

7aycs  
2exc  
TP,6J

Recommending **REFERRAL** of bills to the Council Chair for the term beginning January 2, 2025, relating to: (1) amending Chapter 3.75, Maui County Code, relating to Community Facilities Districts; (2) amending Section 18.20.140, Maui County Code, relating to utility lines and facilities; (3) amending Section 16.25.201, Maui County Code, relating to improvements to public streets; and (4) amending Chapter 2.60, Maui County Code, on reports of civil fines.

CR 24-130 Recommending **FIRST READING** of Bill 146, CD1(2024), to require the Department of Water Supply to estimate domestic water demand and assess development impact fees based on projected gallons per day usage rather than water fixture counts.  
*PASS 1st rdg  
 7 ayes  
 2 exc TP, GJ*

CR 24-131 Recommending **FIRST READING** of Bill 180, CD1(2024), to allow the use of private water catchment collection and storage tank systems of up to 30,000 gallons in Agricultural, Residential, and Rural Districts.  
*PASS 1st rdg  
 7 ayes 2 exc. TP, GJ*

**Water Authority, Social Services, and Parks Committee**

CR 24-132 Recommending **REFERRAL** of bills to the Council Chair for the term beginning January 2, 2025, relating to: (1) establishing a new Chapter 3.85, Maui County Code, creating the feral animal management fund; (2) amending the traffic code by expanding the volunteer parking enforcement program; (3) requiring certain business to maintain naloxone on their premises; and (4) amending Chapter 13.04A, Maui County Code, to authorize a community recreational gardens program.  
*Referred  
 7 ayes  
 2 exc TP, GJ*

CR 24-133 Recommending **REFERRAL** of Bill 111 (2024), relating to amending Title 9, Maui County Code, to: 1) establish procedures for the compassionate removal and storage of personal property in public places; and 2) recognize a human right to shelter, including offering access to services to stabilize one's life and transition into supportive or permanent housing, to the Council Chair for the term beginning January 2, 2025.  
*referred  
 7 ayes  
 2 exc. TP, GJ*

**L. RESOLUTIONS:**

Reso 23-189 "URGING THE STATE OF HAWAII TO CREATE AND SUPPORT A TASK FORCE TO ADDRESS THE URGENT PROBLEM OF MISSING PERSONS IN HAWAII"  
*Discharge/Adopted  
 as amended 7 ayes 2 exc. TP, GJ*

Reso 24-195 "AUTHORIZING ACCEPTANCE OF THE DONATION OF OLUKAI FOOTWEAR TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, OCEAN SAFETY DIVISION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"  
*Adopted  
 7 ayes 2 exc. TP, GJ*

Reso 24-196 "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI"  
*Adopted 6 ayes 3 exc. TP, GJ, TK*

Reso 24-197 "AUTHORIZING THE ACQUISITION OF REAL PROPERTY CONSISTING OF 272.956 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 2-3-001:023 SITUATED AT KULA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$14,000,000.00"  
*(AS Amended) Adopted 6 ayes 3 exc. GJ, TP, TK  
 509,666.161*

Reso 24-198 "AUTHORIZING A GRANT OF LEASE OF COUNTY REAL PROPERTY TO NA HALE KUPUNA LESSEE" (160 KEONEKAI ROAD, UNIT 13-101, KIHEI)  
*Adopted 6 ayes 3 exc. GJ, TP, TK*

Reso 24-199 "AUTHORIZING A GRANT OF LEASE OF COUNTY REAL PROPERTY TO NA HALE KUPUNA LESSEE" (3750 L. HONOAPIILANI ROAD, UNIT 304, LAHAINA)  
*Adopted  
 6 ayes 3 exc. GJ, TP, TK*



*Adopted  
6 ayes  
3 exc  
GJ, TK, TP*

Reso 24-200 "AUTHORIZING A GRANT OF LEASE OF COUNTY REAL PROPERTY TO NA HALE KUPUNA LESSEE" (3740 L. HONOAPIILANI HIGHWAY, UNIT B202, LAHAINA)

Reso 24-201 "AUTHORIZING A GRANT OF LEASE OF COUNTY REAL PROPERTY TO NA HALE KUPUNA LESSEE" (3740 L. HONOAPIILANI HIGHWAY, UNIT C206, LAHAINA)

Reso 24-202 "AUTHORIZING A GRANT OF LEASE OF COUNTY REAL PROPERTY TO NA HALE KUPUNA LESSEE" (3740 L. HONOAPIILANI HIGHWAY, UNIT D105, LAHAINA)

Reso 24-203 "URGING THE HAWAII STATE LEGISLATURE TO ESTABLISH A UNIVERSAL FREE SCHOOL MEALS PROGRAM FOR STUDENTS AT PUBLIC SCHOOLS"  
*adopted 6 ayes 1 no YLS; 2 exc GJ, TC*

**M. ORDINANCES:**

*Discharge/Refer  
6 ayes  
2 exc: GJ, TP*

Bill 158 (2024) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF KAUAI FOR FORENSIC TESTING SERVICES BETWEEN THE KAUAI POLICE DEPARTMENT AND THE MAUI POLICE DEPARTMENT"

Bill 187 (2024) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART II, HOMEOWNER PROGRAMS REVOLVING FUND, 'OHANA ASSISTANCE PROGRAM"

*passed 1st rdg 7 ayes 2 exc: GJ, TP*

Bill 188 (2024) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART II, MANAGED RETREAT REVOLVING FUND, PAIA MANTOKUJI MISSION"

*as amended  
passed 1st rdg 7 ayes 2 exc: GJ, TP*

Bill 189 (2024) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF FIRE AND PUBLIC SAFETY, STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS"

*pass 1st rdg 7 ayes 2 exc: GJ, TP*

**ORDINANCES - SECOND AND FINAL READING:**

*Passed  
2nd final 7 ayes 2 exc: GJ, TP*

~~(III D)~~ Bill 69, CD1 (2023) "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.44.015 AND 3.88.070, MAUI COUNTY CODE, RELATING TO ACCEPTANCE OF CONSERVATION EASEMENTS"

~~(III D)~~ Bill 29, CD1 (2024) "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 KIHEI, MAUI, HAWAII, PORTION OF TAX MAP KEY (2) 3-9-001:034"

*7 ayes  
2 exc:  
GJ, TP  
Passed  
2nd final*

~~(III D)~~ Bill 30, CD1, FD1 (2024) "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM COUNTY RURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, PORTION OF TAX MAP KEY (2) 3-9-001:034"

- ~~(REFD)~~ Bill 135, CD1 "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS FOR TECHNICAL SERVICES"  
*passed 2nd final 7 ayes; 2 exc. GJ, TP*  
 (2024)
- ~~(ESCS)~~ Bill 136, CD1, "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, ESTABLISHING A CLIMATE ACTION AND RESILIENCY PLAN FOR THE COUNTY OF MAUI"  
*passed 2nd final as amended 7 ayes; 2 exc. GJ, TP*  
 FD1 (2024)
- ~~(HTU)~~ Bill 154 "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5334 (2021), THE WEST MAUI COMMUNITY PLAN, RELATING TO THE AREA BETWEEN FRONT STREET AND HONOAPI'ILANI HIGHWAY FROM KAHOMA STREAM TO KENUI STREET"  
*passed 2nd final 7 ayes; 2 exc. GJ, TP*  
 (2024)
- ~~(HASSP)~~ Bill 156, CD1 "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, TO PROHIBIT RETAILERS FROM SELLING OR MARKETING FLAVORED TOBACCO PRODUCTS AND MISLABELING PRODUCTS AS NICOTINE-FREE"  
*passed 8 ayes 2nd final 1 exc. GJ*  
 (2024)
- ~~(WAT)~~ Bill 157, CD1 "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, TO ESTABLISH REGULATIONS ON STORMWATER DISCHARGE AND POLLUTION CONTROLS"  
*passed 2nd final 7 ayes; 2 exc. GJ, TP*  
 (2024)
- ~~(REFD)~~ Bill 166, CD1 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, OFFICE OF RECOVERY PROGRAM; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT; AND APPENDIX C, DEPARTMENT OF MANAGEMENT"  
*passed 2nd final 7 ayes; 2 exc. GJ, TP*  
 (2024)
- ~~(REFD)~~ Bill 167, CD1 "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5659, BILL NO. 62, CD1 (2024), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF MANAGEMENT)"  
*passed 2nd final 7 ayes 2 exc. GJ, TP*  
 (2024)
- ~~(REFD)~~ Bill 183, FD1 "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 68"  
*passed 2nd final 7 ayes 2 exc. GJ, TP*  
 (2024)
- ~~(REFD)~~ Bill 184 "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO GRANTS"  
*passed 2nd final 7 ayes; 2 exc. GJ, TP*  
 (2024)
- ~~(REFD)~~ Bill 185, FD1 "A BILL FOR AN ORDINANCE ADOPTING THE HAWAII STATE FIRE CODE, WITH CERTAIN AMENDMENTS"  
*passed 2nd final 7 ayes; 2 exc. GJ, TP*  
 (2024)
- ~~(REFD)~~ Bill 186 "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM - ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND, ENVIRONMENTAL PROTECTION GRANTS, PILI KOKO"  
*passed 2nd final*  
 (2024)

*as amended*

**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.