

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2014 JUL 15 PM 3:08

A G E N D A

Regular Meeting of July 22, 2014
9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites: Hana Council District Office – Hana Community Center, 5091 Uakea Road, Hana, Hawaii
Lanai Council District Office – Lanai Community Center, 8th Street, Lanai City, Hawaii
Molokai Council District Office – 100 Ainoa Street, Kaunakakai, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>
e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

A. ROLL CALL

B. OPENING REMARKS: COUNCIL VICE-CHAIR ROBERT CARROLL

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of May 6, 2014
Public Hearing of May 14, 2014

H. COMMITTEE REPORTS:

NO. 14-80 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget, relating to the Affordable Housing Fund by adding a proviso that \$780,000 be used for the Na Hale O Maui Kahoma project of Na Hale O Maui;
2. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget, relating to the Affordable Housing Fund by adding a proviso that \$1,400,000 be used for the Building Houses, Building Hope project of Habitat for Humanity Maui, Inc.;
3. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget, relating to the Affordable Housing Fund by adding a proviso that \$9,510,000 be used for the Kulamalu Housing project of the County of Maui; and
4. **FILING** of communication.

NO. 14-81 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Traffic Code of the County of Maui by adding: (1) the "Flashing Yellow Arrow" as a traffic-control signal to indicate permissive left-turn movements at traffic signals; (2) "rectangular rapid flashing beacons" and "in-pavement roadway lights" as additional types of warning light at crosswalks; and (3) language that stipulates any motorist facing a "Flashing Yellow Arrow" signal may cautiously enter the intersection only to make a left turn; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 14-82 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request for a Community Plan Amendment from Agriculture to Multi-Family, Single-Family, and Commercial for approximately 94.3 acres situated at Kihei, Maui, Hawaii, to facilitate the development of the proposed Kihei Residential Community Project consisting of a mix of 600 single-family detached and multi-family residential units, a 1.4-acre neighborhood commercial center, a park, and open space mauka of the Piilani Highway, and south of the Piilani-Mokulele Highways intersection near Kaiwahine Street (TMKs: (2) 3-8-004:002 (por.), (2) 3-8-004:022 (por.), and (2) 3-8-004:030 (por.);
2. **FIRST READING** of bill granting a request for a Change in Zoning from Agricultural District to A-1 Apartment District, A-2 Apartment District, R-1 Residential District, and B-2 Community Business District (Conditional Zoning) on TMKs: (2) 3-8-004:002 (por.), (2) 3-8-004:022 (por.), and (2) 3-8-004:030 (por.);
3. **RECORDATION** of the unilateral agreement; and
4. **FILING** of communication.

NO. 14-83 - PLANNING COMMITTEE:

Recommending **FILING** of communications relating to the matter of amending the Maui Island Plan Implementation Program.

NO. 14-84 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Stephen West to the Liquor Control Commission, for a term expiring on March 31, 2017.

NO. 14-85 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Harold Davis to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2015.

H. COMMITTEE REPORTS (continued):NO. 14-86 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointments of the following individuals to the Molokai Community Plan Advisory Committee, as authorized by Section 2.80B.080(C), Maui County Code: Dathan Bicoy, Lori L. Buchanan, Steve Chaikin, Lance ("Kip") Dunbar, Gregory E. Jenkins, Debra N. Kelly, Deldrine Manera, Robert A. Stephenson, and Glenn Teves; and
2. **FILING** of communication.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

NO. 14-87 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to require that a minimum of one member shall be a resident of the island of Lanai and a minimum of one member shall be a resident of the island of Molokai for each of the following boards and commissions: Board of Variances and Appeals, Fire and Public Safety Commission, Liquor Control Adjudication Board, Liquor Control Commission, and Police Commission; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 14-177 - CHIEF OF POLICE, informing of the receipt of \$238.56 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 14-178 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of Budget and Finance, State of Hawaii, for the Defendant/Witness Trial Program.

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-179 - PROSECUTING ATTORNEY, informing of the Department's intent to expend approximately \$80,000 in Federal Forfeiture Funds for training, computers and equipment.
- NO. 14-180 - DIRECTOR OF FINANCE, informing of the sale of \$68,670,000 of General Obligation Bonds, 2014 Series A, B, C, D, and E.
- NO. 14-181 - DIRECTOR OF FINANCE, transmitting the Supplemental Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 9, 2014.
- NO. 14-182 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for May 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company, Wailuku Water Company, and Hawaii Water Service Company for the same period.
- NO. 14-183 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending June 2014.
- NO. 14-184 - MAYOR, informing the Council that the revenue available from the current bond authorization for the Fiscal Year 2015 Budget is insufficient to meet the current budgeted appropriations, and transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130, BILL NO. 34 (2014), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (UPCOUNTRY RELIABLE CAPACITY, KULA AGRICULTURAL PARK EXPANSION, SOUTH MAUI COMMUNITY PARK, AND MOLOKAI RELIABLE CAPACITY)".
- NO. 14-185 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS".
- NO. 14-186 - COUNCILMEMBER VICTORINO, relating to the Department of Environmental Management Solid Waste Administration and Solid Waste Operations budget.
- NO. 14-187 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.44, MAUI COUNTY CODE, RELATING TO ACCEPTING PROPERTY FOR INFRASTRUCTURE".

1. COUNTY COMMUNICATIONS (continued):

NO. 14-188 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.510, MAUI COUNTY CODE, RELATING TO ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS".

NO. 14-189 - DIRECTOR OF WATER SUPPLY, relating to the Department of Water Supply drought plan.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 40 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO ELIGIBILITY FOR THE CIRCUIT BREAKER TAX CREDIT"

BILL NO. 41 (2014) - "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.044, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH PARK II"

BILL NO. 42 (2014) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.56A.010, MAUI COUNTY CODE, RELATING TO LOADING ZONES"

BILL NO. 43 (2014) - "A BILL FOR AN ORDINANCE APPROVING THE RENAMING OF WAIKOLOA ROAD, HANA, MAUI, HAWAII"

BILL NO. 44 (2014) - "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT 101 A, B, AND C KUAAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024"

BILL NO. 45 (2014) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT FOR PROPERTY SITUATED AT 101 A, B, AND C KUAAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024"

K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 46 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.20, MAUI COUNTY CODE, RELATING TO B-3 CENTRAL BUSINESS DISTRICT"

L. UNFINISHED BUSINESS:

NONE.

NOTE: ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.