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COUNCIL OF THE COUNTY OF MAUI

2014 AUG 12 PM 3: 41

A G E N D A

Regular Meeting of August 19, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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:** COUNCILMEMBER MICHAEL B. WHITE

C. **PLEDGE OF ALLEGIANCE**

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of May 27, 2014
Regular Meeting of May 27, 2014

H. COMMITTEE REPORTS:

NO. 14-88 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix B of the Fiscal Year 2015 Budget, relating to Charges for Current Services, by adding a User Fee and a Security Deposit, and waiving the Equipment Rental Fee for the Maui Fair Alliance, pursuant to a proposed License Agreement between the County and Maui Fair Alliance through December 31, 2024; and
2. **FILING** of communication.

NO. 14-89 - 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 \$400,000 be appropriated for the Hale Lokelani Ohana Project of Lokelani Ohana for the purchase of property or the construction of a home for special needs tenants earning 80 per cent or below of the area median income; and
2. **FILING** of communication.

NO. 14-90 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept "Lot 2" along Dickenson Street, consisting of 1,259 square feet, identified by Tax Map Keys (2) 4-6-008:029 (por.) and (2) 4-6-008:065 (por.), Lahaina, Maui, Hawaii for road-widening purposes; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 14-91 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prohibit vehicles with a gross vehicle weight of more than 10,000 pounds from traveling on Makaala Drive, Waiehu, Maui, Hawaii; and
2. **FILING** of communication.

NO. 14-92 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Vince Bagoyo of Bagoyo Development Consulting Group, LLC, on behalf of Waiko Industrial Investment, LLC, for a Community Plan Amendment from Agriculture to Light Industrial to facilitate the development of the proposed 41-lot Waiko Baseyard Light Industrial Subdivision Project on approximately 31.2 acres at East Waiko Road, Wailuku, Maui, Hawaii (TMK: (2) 3-8-007:102);
2. **FIRST READING** of bill granting a request for a Change in Zoning from Agricultural District to M-1 Light Industrial District (Conditional Zoning) to facilitate the development of the project on the property;
3. **RECORDATION** of the unilateral agreement; and
4. **FILING** of communication.

NO. 14-93 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to the County of Maui Repetitive Loss Properties Floodplain Management Plan.

NO. 14-94 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.16, Maui County Code, relating to B-1 Neighborhood Business District, by establishing permitted uses, accessory uses, and special uses, establishing development standards, and providing the Planning Director with rule-making authority; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 14-95 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.15 and Chapter 19.510, Maui County Code, relating to B-CT Country Town Business District, by establishing permitted uses, accessory uses, and special uses; clarifying development standards; providing the Planning Director with rule-making authority; and defining design guidelines, administration, proposal review, and appeal processes; and
2. **FILING** of communication.

NO. 14-96 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Bryan Esmeralda to the Real Property Tax Review Board, for a term expiring on March 31, 2018; and
2. **ADOPTION** of resolution approving the appointment of Raymond Sung to the Board of Variances and Appeals, for a term expiring on March 31, 2016.

NO. 14-97 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2015 Hawaii State Association of Counties legislative package a proposed State bill to restore the counties' share of transient accommodations tax ("TAT") revenue to 44.8 per cent of the TAT revenue collected; and
2. **ADOPTION** of resolution approving as Hawaii State Association of Counties' priorities for the 2015 State Legislative Session, legislation relating to the following: the transient accommodations tax, a retail sales tax, the general excise tax, open government (including the Sunshine Law and Uniform Information Practices Act), transportation, and capital improvement projects.

NO. 14-98 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing \$300,000 in additional compensation for the firm of Hunton & Williams LLP as special counsel to represent the County in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK, for a total compensation not to exceed \$850,000.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

H. COMMITTEE REPORTS (continued):NO. 14-99 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Ronald L. Sandate v. County of Maui, Disability Compensation Division Case 7-04-02253.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

NO. 14-100 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Arnold L. Torres v. County of Maui, Disability Compensation Division Case 7-07-01901.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

NO. 14-101 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing settlement of Douglas Leone and Patricia A. Perkins-Leone v. County of Maui, et al., Civil 07-1-0496(3); and
2. **ADOPTION** of resolution authorizing settlement of William L. Larson, et al. v. County of Maui, et al., Civil 09-1-0413(2).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 14-205 - ACTING FINANCE DIRECTOR, informing of the transfer of appropriations from Countywide Costs – General Costs to various departments.
- NO. 14-206 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii, for the Justice Reinvestment Initiative Program.
- NO. 14-207 - DIRECTOR OF FINANCE, transmitting 104 contracts/grants for June 2014.
- NO. 14-208 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending July 2014.
- NO. 14-209 - COUNCILMEMBER COUCH, relating to Council Members' reports on the Maui "Hemp Is Hope" Conference held at the J. Walter Cameron Center in Wailuku, on August 9, 2014.
- NO. 14-210 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for Fiscal Year 2014, Fourth Quarter ending June 30, 2014.
- NO. 14-211 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".
- NO. 14-212 - COUNCILMEMBER WHITE, relating to the Department of Environmental Management, Solid Waste Division, Fiscal Year 2015 Budget.
- NO. 14-213 - COUNCILMEMBER COUCH, relating to industrial hemp, as defined in Act 56 (2014).
- NO. 14-214 - COUNCILMEMBER GUZMAN, relating to a rollback tax exemption for family subdivisions on agricultural-zoned land.

1. COUNTY COMMUNICATIONS (continued):

NO. 14-215 - COUNCILMEMBER GUZMAN, relating to "Tools to Encourage Agriculture Sustainability".

NO. 14-216 - COUNCILMEMBER VICTORINO, relating to the operation, maintenance, and replacement plans for all of Maui County's Civil Defense sirens and warning systems.

NO. 14-217 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.10.015, MAUI COUNTY CODE, RELATING TO WAIVER OF AGRICULTURAL WATER RATE INCOME REQUIREMENT".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

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.