

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2014 AUG 29 PM 3: 57

A G E N D A

Regular Meeting of September 5, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING MAUI SODA & ICE WORKS, LTD., FOR BEING HONORED WITH THE SMALL BUSINESS ADMINISTRATION'S FAMILY-OWNED BUSINESS OF THE YEAR AWARD"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of June 6, 2014
Regular Meeting of July 8, 2014

H. COMMITTEE REPORTS:

NO. 14-102 - BUDGET AND FINANCE COMMITTEE:

Recommending the **FILING** of communication relating to positions abolished from various County departments.

NO. 14-103 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FILING** of communication relating to reallocation, reassignment, and creation of positions; and
2. **FILING** of communication relating to reclassification of positions that were transferred from one compensation plan to another for calendar year 2013.

NO. 14-104 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget by adding a \$1,000 appropriation for Private Donations, Department of Housing and Human Concerns, to enable the County to receive a donation of \$750 from the Matson Foundation for the Maui County Nutrition Program; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 14-105 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget by adding a \$5,000 appropriation to the Office of the Mayor for the Hawaii State Commission on the Status on Women grant; and
2. **FILING** of communication.

NO. 14-106 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to requirements imposed on the County for compliance with Federal Metropolitan Planning Organization obligations.

NO. 14-107 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 16.13.070, Maui County Code, relating to signs authorized in airport, hotel/resort, business/commercial, apartment, and industrial districts, to allow businesses greater flexibility in the location of business identification signs; and
2. **FILING** of communication.

NO. 14-108 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 8.34, Maui County Code, to reduce the danger, drain of resources, and annoyance associated with false alarms; to require alarm systems to be registered; and to encourage owners to use and maintain their alarm systems properly; and
2. **FILING** of communication.

NO. 14-109 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Sections 14.01.040 and 14.12.030, Maui County Code, relating to the definition of infill development and the infill development exemption from the Water Availability Policy; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 14-218 - PROSECUTING ATTORNEY, informing of the expenditure of State Forfeiture Funds for Fiscal Year 2014.
- NO. 14-219 - MAYOR, informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Patricia Maluo.
- NO. 14-220 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for June 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company and Wailuku Water Company for the same period.
- NO. 14-221 - PRESIDING OFFICER PRO TEMPORE VICTORINO, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MARK PIGAO AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- NO. 14-222 - DIRECTOR OF FINANCE, transmitting the taxicab rates of fare and baggage charges.
- NO. 14-223 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, ECONOMIC DEVELOPMENT REVOLVING FUND", and related documents.
- NO. 14-224 - COUNCILMEMBER GUZMAN, relating to the Economic Development Revolving Fund.
- NO. 14-225 - COUNCILMEMBER GUZMAN, relating to Act 183, SLH 2005 – Relating to Important Agricultural Lands.
- NO. 14-226 - COUNCILMEMBER VICTORINO, relating to refuse service for Waikapu Gardens.
- NO. 14-227 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL AMENDING THE MAUI ISLAND PLAN IMPLEMENTATION PROGRAM".

1. COUNTY COMMUNICATIONS (continued):

NO. 14-228 - COUNCIL CHAIR, transmitting a proposed resolution entitled "WAIVING THE ATTORNEY-CLIENT PRIVILEGE WITH RESPECT TO A LEGAL OPINION FROM THE DEPARTMENT OF THE CORPORATION COUNSEL, DATED JULY 28, 2014, RELATING TO THE 'EMPLOYEE COMMUNICATION DIRECTIVE'".

NO. 14-229 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE SOLID WASTE DIVISION, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT".

2. GENERAL COMMUNICATIONS:

NO. 14-6 - GRANT CHUN, VICE PRESIDENT, MAUI, A&B PROPERTIES, INC., submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning, for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision)

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 54 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES-FEES, RATES, ASSESSMENTS AND TAXES, GENERAL FUND, CHARGES FOR CURRENT SERVICES, MAUI FAIR ALLIANCE"

BILL NO. 55 (2014) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, AFFORDABLE HOUSING FUND, HALE LOKELANI OHANA PROJECT"

BILL NO. 56 (2014) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.68.110, MAUI COUNTY CODE, RELATING TO PROHIBITING OR REGULATING THE USE OF ROADWAYS BY CERTAIN CLASSES OR KINDS OF TRAFFIC"

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

BILL NO. 57 (2014) - "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO LIGHT INDUSTRIAL FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 3-8-007:102"

BILL NO. 58 (2014) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FOR AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER: (2) 3-8-007:102"

BILL NO. 59 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.16, MAUI COUNTY CODE, RELATING TO B-1 NEIGHBORHOOD BUSINESS DISTRICT"

BILL NO. 60 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.15, MAUI COUNTY CODE, RELATING TO COUNTRY TOWN BUSINESS DISTRICTS AND AMENDING CHAPTER 19.510, MAUI COUNTY CODE, RELATING TO APPLICATION AND PROCEDURES"

L. UNFINISHED BUSINESS:

COMMITTEE REPORTS:

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.

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.