

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of November 7, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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- A. ROLL CALL
 - B. OPENING REMARKS: COUNCIL VICE-CHAIR ROBERT CARROLL
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING HULALI MAI KALANI ASUNCION BROWN FOR BEING CROWNED MISS HAWAII FILIPINA 2014 AND JESSIE LYN SAGADRACA AS THE NEW MISS MAUI FILIPINA 2014"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 14-129 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept a lease for \$1 per year, from Heavenly Hana, LLC, for a portion of the property identified as TMK: (2) 1-4-010:001, located in Hana, Maui, Hawaii, to allow public use of an outdoor shower and the surrounding 100-square-foot area at Hamoa Beach; and
2. **FILING** of communication.

NO. 14-130 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to illegal vacation rental accommodations.

NO. 14-131 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FILING** of communication relating to an executed Memorandum of Agreement between the County of Maui and the State of Hawaii Department of Accounting and General Services, Office of Information Management and Technology, dated October 15, 2013, to allow the County to share 12 channel pairs in a 700-megahertz pool assigned to the State for public-safety radio-repeater operations in Pu`u Mahoe, Maui, Hawaii.

NO. 14-132 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FILING** of communication relating to an executed Memorandum of Agreement between the County of Maui and the County of Kauai, dated September 11, 2013, to allow the County of Maui to share 800-megahertz frequencies assigned to the County of Kauai for public-safety radio-system operations.

H. COMMITTEE REPORTS (continued):NO. 14-133 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Vivian Lindsey to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2017.

NO. 14-134 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Bradley Bunn to the Cost of Government Commission, for a term expiring on March 31, 2018.

NO. 14-135 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve for inclusion in the 2015 Maui County Legislative Package a proposed State bill to authorize expanded industrial hemp research at testing sites in each county; and
2. **ADOPTION** of resolution to approve for inclusion in the 2015 Maui County Legislative Package a proposed State bill to allow members of a county council to jointly attend and speak at a community, educational, or informational meeting or presentation of another entity, including a legislative hearing, convention, seminar, conference, forum, debate, or community association meeting.

NO. 14-136 - 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, proposed State bills relating to the following: (a) appropriating operating funds for the Hawaii Health Systems Corporation Primary Care Training Program at Hilo Medical Center; (b) providing victims of family violence additional time to get help and legal protection before the order for a period of separation expires; and (c) authorizing non-resident property felony crime victims to testify in criminal proceedings via a live two-way video connection; and
2. **ADOPTION** of resolution approving for inclusion in the 2015 Hawaii State Association of Counties Legislative Package a proposed State bill distinguishing single-family residential use from single-family vacation rental use, and allowing amortization by ordinance for single-family transient vacation rentals over a reasonable period of time.

H. COMMITTEE REPORTS (continued):**NO. 14-137 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:**

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

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. 14-265 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of September 30, 2014.
- NO. 14-266 - DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended September 30, 2014.
- NO. 14-267 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of September 30, 2014.
- NO. 14-268 - PROSECUTING ATTORNEY, transmitting copies of grant award letters from the Department of Transportation, State of Hawaii, for the Maui Prosecutors Office and the Maui Prosecutors Office Traffic Records.
- NO. 14-269 - INTERIM DIRECTOR OF PARKS AND RECREATION, Transmitting the semiannual report regarding park dedications for each community plan area for the period April 1, 2014 through September 30, 2014.
- NO. 14-270 - MAYOR, informing of the appointment of Jennifer Gladwin (replacing Calmentina Gomes) to the Committee on the Status of Women.
- NO. 14-271 - MAYOR, informing of a vacancy on the Board of Water Supply due to the passing of James Rust.
- NO. 14-272 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled "URGING THE DEPARTMENT OF HEALTH, STATE OF HAWAII, TO SUSPEND THE RULEMAKING PROCESS AND REDRAFT THE PROPOSED RULE AMENDMENTS PERTAINING TO WASTEWATER SYSTEMS IN COLLABORATION WITH THE NEIGHBOR ISLANDS".

1. COUNTY COMMUNICATIONS (continued):NO. 14-273 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, OLD HALEAKALA HIGHWAY AND MAKANI ROAD PAVEMENT REHABILITATION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "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 (OLD HALEAKALA HIGHWAY AND MAKANI ROAD PAVEMENT REHABILITATION)"; and
3. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION/INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA) HIGHWAY AND OTHER TRANSPORTATION GRANTS)".

NO. 14-274 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; KIHEI-MAKENA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, WAILEA ALANUI DRIVE AND WAILEA IKE DRIVE PAVEMENT REHABILITATION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "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 (WAILEA ALANUI DRIVE AND WAILEA IKE DRIVE PAVEMENT REHABILITATION); and
3. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION/INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA) HIGHWAY AND OTHER TRANSPORTATION GRANTS)".

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-275 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for the Fiscal Year 2015 First Quarter ending September 30, 2014.
- NO. 14-276 - INTERIM DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO MAUI ELECTRIC COMPANY, LIMITED, AND HAWAIIAN TELCOM, INC., PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- NO. 14-277 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT FOR THE DOLE ADMINISTRATION BUILDING PROJECT, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 14-278 - PLANNING DIRECTOR, transmitting comments and recommendations from the Planning Commissions and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOMES".
- NO. 14-279 - DIRECTOR OF PUBLIC WORKS, transmitting a "MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS RELATING TO REIMBURSEMENT FOR PARTICIPATING IN VARIOUS ACTIVITIES SPONSORED UNDER THE HAWAII LOCAL TECHNICAL ASSISTANCE PROGRAM".
- NO. 14-280 - COUNCILMEMBER VICTORINO, relating to Waikamoi Flume renovations.

2. GENERAL COMMUNICATIONS:

- NO. 14-7 - CLAYTON NISHIKAWA, KULA RIDGE LLC, transmitting a status update on the project as required by Modification No. 13.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 71 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.42, MAUI COUNTY CODE, RELATING TO SIGN WAVING ON PUBLIC HIGHWAYS"

BILL NO. 72 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (INNOVATE HAWAII)"

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.