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COUNCIL OF THE COUNTY OF MAUI

2014 NOV 14 PM 3:15

A G E N D A

Regular Meeting of November 21, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: COUNCILMEMBER ELLE COCHRAN
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of October 3, 2014

H. COMMITTEE REPORTS:NO. 14-138 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 3.48, Maui County Code, to classify real property not serving as the owner's primary residence, for real property tax purposes, as "commercial," without regard to its highest and best use, if the property has been granted a Short-Term Rental Home Permit, a Transient Vacation Rental Permit, or a Conditional Permit allowing transient vacation rental use, pursuant to Title 19, Maui County Code; and
2. **FILING** of communication.

NO. 14-139 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 3.48, Maui County Code, to establish a process for specifying real property tax classifications other than "hotel and resort" for units in planned developments where transient vacation rentals are allowed, based on actual use of the property; and
2. **FILING** of communication.

NO. 14-140 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending **FILING** of communications relating to annual status updates on the Kula Ridge Affordable Housing Subdivision project.

H. COMMITTEE REPORTS (continued):

NO. 14-141 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **ADOPTION** of resolution to urge the Administration to implement the Central Maui Pedestrian & Bicycle Master Plan for 2030.

NO. 14-142 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept a temporary access easement for use of a private sidewalk and asphalt paving adjacent to Wainee Street located within property identified as TMK: (2) 4-5-007:004, Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

NO. 14-143 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prohibit parking on both sides of Alenui Street and Lana Street in Paia, Maui, Hawaii; and
2. **FILING** of communication.

NO. 14-144 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Sections 19.12.020, 19.32.040, and 19.37.010, Maui County Code, to restate and codify provisions allowing transient vacation rentals in buildings and structures in the Apartment District that had lawfully issued, valid building permits, special management area use permits, or planned development approvals on or before April 20, 1989; and
2. **FILING** of communication.

NO. 14-145 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to regulate commercial activities in residential areas; to foster economic development and entrepreneurship by allowing Maui County residents to work from home in appropriate circumstances; and to establish standards for home businesses that ensure quiet enjoyment of residential neighborhoods; and
2. **FILING** of communication. (Home Business)

H. COMMITTEE REPORTS (continued):**NO. 14-146 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:**

Recommending **ADOPTION** of resolution authorizing settlement of Charles E. Bick v. County of Maui, et al., Civil 13-1-0086(1).

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. 14-147 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FILING** of communication transmitting a proposed resolution to authorize the Council Chair to contract for an independent audit or evaluation of the Solid Waste Division, Department of Environmental Management, adopted as Resolution 14-98 on September 5, 2014.

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. 14-281 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending October 2014.

NO. 14-282 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "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 (MAUI TIMESHARE VENTURE, LLC.)"; and
2. A proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION FROM HYATT KA'ANAPALI TO THE DEPARTMENT OF PUBLIC WORKS, COUNTY OF MAUI, PURSUANT TO SECTION 13-8, REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AND CHAPTER 3.56, MAUI COUNTY CODE".

1. COUNTY COMMUNICATIONS (continued):NO. 14-283 - PLANNING DIRECTOR, transmitting the following:

1. "LANA'I COMMUNITY PLAN UPDATE, COMMUNITY PLAN ADVISORY COMMITTEE FINAL DRAFT, SEPTEMBER 30, 2013";
2. "LANA'I COMMUNITY PLAN UPDATE, LANA'I PLANNING COMMISSION FINAL DRAFT, OCTOBER 31, 2014"; and
3. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO THE LANAI COMMUNITY PLAN".

NO. 14-284 - PLANNING DIRECTOR, relating to a Conditional Permit application submitted by Hawaiian Cement, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING HAWAIIAN CEMENT A CONDITIONAL PERMIT TO OPERATE THE CONCRETE BATCHING PLANT AT HONOKOWAI, LAHAINA, ISLAND OF MAUI, WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NUMBER (2) 4-4-002:039 (POR), HONOKOWAI, LAHAINA, ISLAND OF MAUI, HAWAII"; and related documents.

NO. 14-285 - COUNCILMEMBER COUCH, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 2.60.010, MAUI COUNTY CODE, RELATING TO COMMUNICATIONS FROM DEPARTMENT HEADS TO THE COUNCIL".

2. GENERAL COMMUNICATIONS:

NO. 14-8 - RYAN CHURCHILL, MAUI LAND & PINEAPPLE COMPANY, INC., submitting the Annual Compliance Report in accordance with Ordinance No. 3889, West Maui Project District 5 (Pulelehua), Unilateral Agreement and Declaration for Conditional Zoning for property situated at Mahinahina, Kahana, Lahaina, Maui, Hawaii; TMK (2) 4-3-01:82 (Lot 1) and TMK (2) 4-3-01:83 (Lot 2).

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.