

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of September 4, 2015
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 may be allowed to speak for three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 RIKI HOKAMA

 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING CAMRYN HENRY FOR WINNING GOLD MEDALS AT THE 2015 AUSTRALIAN OPEN AND 2015 US NATIONAL TAEKWONDO CHAMPIONSHIPS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of July 7, 2015
 Regular Meeting of July 24, 2015

H. COMMITTEE REPORTS:

NO. 15-114 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK.

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.

NO. 15-115 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept from the Shane Victorino Foundation a baseball batting cage and related improvements for Kalama Park in Kihei, Maui, Hawaii, valued at \$90,000; and
2. **FILING** of communication.

NO. 15-116 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **ADOPTION** of resolution urging the United States Congress to pass the "Industrial Hemp Farming Act of 2015," which would amend the Controlled Substances Act to exclude industrial hemp from the list of controlled substances, thereby allowing its cultivation if approved by state law.

H. COMMITTEE REPORTS (continued):NO. 15-117 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prohibit smoking – defined to mean inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form, including the use of an electronic smoking device – at County bus stops; and
2. **FILING** of communication.

NO. 15-118 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the exchange of 15.9548 acres of County real property with 15.6726 acres of real property from Lanai Resorts, LLC, in Lanai, Hawaii; and
2. **FILING** of communication.

NO. 15-119 - LAND USE COMMITTEE:

Recommending **ADOPTION** of resolution referring to the Molokai Planning Commission a proposed bill to grant a Change in Zoning from Interim District to Agricultural District for 14.59 acres along Kamehameha V Highway, Kawela, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-4-001:029.

NO. 15-120 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Chris Hart & Partners, Inc., on behalf of Mahina Surf AOA, for a Change in Zoning from R-3 Residential District to A-1 Apartment District for 1.96 acres at 4057 Lower Honoapiilani Road, Lahaina, Maui, Hawaii, the site of the Mahina Surf Condominium, to make the property's zoning consistent with the West Maui Community Plan; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 15-121 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from ABC Development Company, LLC, for a District Boundary Amendment from Agricultural to Urban for 8.55 acres at 109 East Waiko Road, Wailuku, Maui, Hawaii, to facilitate the development of the proposed Waikapu Light Industrial Project, consisting of seven condominiumized lots ("project");
2. **FIRST READING** of bill granting a request from ABC Development Company, LLC, for a Community Plan Amendment from Agriculture to Light Industrial for 8.55 acres at 109 East Waiko Road, Wailuku, Maui, Hawaii, to facilitate the development of the project;
3. **FIRST READING** of bill granting a request from ABC Development Company, LLC, for a Change in Zoning from Agricultural District to M-1 Light Industrial District for 8.55 acres at 109 East Waiko Road, Wailuku, Maui, Hawaii; to facilitate the development of the project;
4. **RECORDATION** of the unilateral agreement; and
5. **FILING** of communication.

NO. 15-122 - PLANNING COMMITTEE:

Recommending **REFERRAL** of communication relating to Chapter 4 of the Maui Island Plan, "Economic Development," regarding tourism to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-123 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring to the Lanai, Maui, and Molokai planning commissions a proposed bill establishing a new use category called "affordable accessory dwellings" to be allowed in residential districts as a permitted use on lots of 5,000-7,499 square feet.

NO. 15-124 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Maui Island Plan Implementation Program by identifying potential revenue sources to support infrastructure improvements; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 15-125 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill allowing family child care homes located within farm dwellings as an accessory use within the Agricultural District; and
2. **FILING** of communication.

NO. 15-126 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Paul Otani to the Kula Agricultural Park Committee for a term expiring March 31, 2020.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 15-222 - DIRECTOR OF FINANCE, transmitting 81 contracts/grants for the month ending July 2015.

NO. 15-223 - MAYOR, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Richard Campas.

NO. 15-224 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for June 2015 for all registered well reporters in the County of Maui.

NO. 15-225 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL PROVIDING THE COUNTIES GREATER FLEXIBILITY IN FINANCIAL INVESTMENTS".

NO. 15-226 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130, BILL NO. 34 (2015), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KULA AGRICULTURAL PARK EXPANSION)";
2. A proposed resolution entitled "APPROVING THE ACQUISITION OF 148.338 ACRES FOR THE EXPANSION OF THE KULA AGRICULTURAL PARK"; and
3. A proposed resolution entitled "APPROVING THE ACQUISITION OF 224.8 ACRES FOR THE EXPANSION OF THE KULA AGRICULTURAL PARK".

NO. 15-227 - PLANNING DIRECTOR, transmitting the following proposed resolutions entitled:

1. "APPROVING A TIME EXTENSION FOR THE MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT MOLOKAI COMMUNITY PLAN"; and
2. "APPROVING A TIME EXTENSION FOR THE MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT MOLOKAI COMMUNITY PLAN".

NO. 15-228 - DIRECTOR OF WATER SUPPLY, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF APPROXIMATELY 4.31879 ACRES IDENTIFIED AS TAX MAP KEY NOS. (2) 3-5-001:067 (POR.), (2) 3-5-001:091 (POR.), AND (2) 3-5-001:106, AND RELATED EASEMENTS, WAILUKU, MAUI, HAWAII".

NO. 15-229 - PRESIDING OFFICER PRO TEMPORE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING THE WATER AVAILABILITY POLICY".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 55 (2015) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, POST-EMPLOYMENT OBLIGATIONS FUND"
- BILL NO. 56 (2015) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM THE R-1 RESIDENTIAL DISTRICT TO THE SBR SERVICE BUSINESS RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 2241 WEST VINEYARD STREET, WAILUKU, MAUI, HAWAII"
- BILL NO. 57 (2015) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, RELATING TO SEWER LINE MAINTENANCE AND REPAIR AT THE LAHAINA CIVIC AND RECREATION CENTER"
- BILL NO. 58 (2015) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT"
- BILL NO. 59 (2015) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (ERS)"
- BILL NO. 60 (2015) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ALLOW COMMERCIAL AGRICULTURAL STRUCTURES IN THE AGRICULTURAL DISTRICT"

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.