

COUNCIL OF THE COUNTY OF MAUI

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2015 SEP 11 PM 4:33

AGENDA

Regular Meeting of September 18, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 from each of the Council district offices noted above. If the 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 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 DON S. GUZMAN
 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 15-127 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting \$468,000 from Maui Timeshare Venture, LLC, for the construction of three tennis courts in West Maui; and
2. **FILING** of communication.

NO. 15-128 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of correspondence dated October 16, 2013, from the Department of the Corporation Counsel, relating to the possible settlement of Christopher Carroll, et al. v. County of Maui, et al., Civil CV13-00066 LEK KSC.

NO. 15-129 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 2013-1064-10 of First Insurance Company of Hawaii, Ltd., on behalf of its insured, Nelia Padiong, for \$15,470.05.

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. 15-130 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 2014-2020-15 of GEICO, on behalf of its insured, Laurie McCarthy, for \$8,682.01.

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. 15-131 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 2013-1079-10 of Reginald Yap for \$10,000.

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; 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. 15-132 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Lawrence N. C. Ing, Esq., on behalf of Louis S. Walsh, Steven P. Walsh, and Lauren T. Walsh, for a Change in Zoning from R-3 Residential District to B-2 Community Business District for a parcel consisting of 38,879 square feet at 1746-A South Kihei Road, Kihei, Maui, Hawaii, to make the property's zoning consistent with the Kihei-Makena Community Plan;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 15-133 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Timothy Hehemann of He-Man Landscaping LLC for a five-year Conditional Permit to allow 2.074 acres within the County Agricultural District at 4260 Hine Way, Lahaina, Maui, Hawaii, to be used as a landscaping baseyard; and
2. **FILING** of communication.

NO. 15-134 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring to the planning commissions a proposed bill to delete the provision within the Comprehensive Zoning Ordinance that limits transient vacation rental use in planned developments to planned developments consisting of only duplexes or multifamily dwelling units.

NO. 15-135 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving for inclusion in the 2016 Hawaii State Association of Counties Legislative Package a State bill amending the State Sunshine Law to allow two or more councilmembers to attend and speak at community, educational, or informational meetings that are open to the public.

NO. 15-136 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **REFERRAL** of communication relating to two intergovernmental agreements with the United States Department of the Interior, Fish and Wildlife Service, to negotiate settlements of alleged violations of the taking of endangered birds at the Wailuku-Kahului Wastewater Reclamation Facility and Lanai Wastewater Treatment Facility, to the Committee of the Whole.

H. COMMITTEE REPORTS (continued):

NO. 15-137 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the Board of Directors for the Maui Region of Hawaii Health Systems Corporation to require patient rate setting transparency; and
2. **FILING** of communication.

NO. 15-138 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.13 and Section 18.20.040, Maui County Code, relating to water meter issuance for applicants on the Upcountry Priority List; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 15-230 - DIRECTOR OF PERSONNEL SERVICES, transmitting a report of the reclassification of positions that were transferred from one compensation plan to another for the calendar year 2014.

NO. 15-231 - MAYOR, informing of a vacancy on the Liquor Control Adjudication Board due to the passing of Henry Kauka, Jr.

NO. 15-232 - MAYOR, informing of the appointment of Alexander Haller to the Maui County Arborist Committee.

NO. 15-233 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Tina Gomes.

NO. 15-234 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending August 2015.

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-235 - BUDGET DIRECTOR, transmitting the following proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES - FEES, RATES, ASSESSMENTS AND TAXES, GENERAL FUND, CHARGES FOR CURRENT SERVICES, FEE - USE OF PARK FACILITIES".
- NO. 15-236 - COST OF GOVERNMENT COMMISSION, transmitting for review its Report of Findings and Recommendations for Commission Term 2014 - 2015.
- NO. 15-237 - BUDGET DIRECTOR, transmitting the following proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 13.04, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 13.04A, MAUI COUNTY CODE, RELATING TO PARKS AND RECREATIONAL FACILITIES, AND AMENDING SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS".
- NO. 15-238 - COUNCIL CHAIR WHITE, relating to the restoration of Moku`ula Island and Mokuhinia Pond in Lahaina.
- NO. 15-239 - COUNCILMEMBER CRIVELLO, relating to an evaluation of grants appropriated to grantees under the Department of Housing and Human Concerns and the Department of Transportation for Fiscal Year 2015.
- NO. 15-240 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO REQUIRE BABY DIAPER-CHANGING ACCOMMODATIONS FOR CERTAIN NEW ESTABLISHMENTS AND USES".
- NO. 15-241 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "TERMINATION OF LICENSE AFFECTING LOTS 143, 144 AND 145 OF THE PUKALANI LOTS AT KEAHUA, KULA, ISLAND OF MAUI, HAWAII."
- NO. 15-242 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "A RESOLUTION IN OPPOSITION TO THE PROPOSED CHANGE IN CONTROL IN THE MATTER OF THE APPLICATION BY HAWAIIAN ELECTRIC INDUSTRIES, INC. AND NEXTERA ENERGY, INC. IN DOCKET NO. 2015-0022 FILED ON 1/29/15".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 61 (2015) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.20, MAUI COUNTY CODE, RELATING TO PROHIBITING SMOKING AT COUNTY BUS STOPS"

BILL NO. 62 (2015) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII, THE SITE OF THE MAHINA SURF CONDOMINIUM"

BILL NO. 63 (2015) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT 109 EAST WAIKO ROAD, WAILUKU, MAUI, HAWAII, FOR THE PROPOSED WAIKAPU LIGHT INDUSTRIAL PROJECT"

BILL NO. 64 (2015) - "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 109 EAST WAIKO ROAD, WAILUKU, MAUI, HAWAII, FOR THE PROPOSED WAIKAPU LIGHT INDUSTRIAL PROJECT"

BILL NO. 65 (2015) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 109 EAST WAIKO ROAD, WAILUKU, MAUI, HAWAII, FOR THE PROPOSED WAIKAPU LIGHT INDUSTRIAL PROJECT"

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 66 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE MAUI ISLAND PLAN IMPLEMENTATION PROGRAM"

BILL NO. 67 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW FAMILY CHILD CARE HOMES WITHIN 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.