

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of November 6, 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](mailto:county.clerk@mauicounty.us)

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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 MICHAEL P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of September 4, 2015.

H. COMMITTEE REPORTS:

NO. 15-152 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget, relating to the Plan Review, Permit Processing, and Inspection Revolving Fund (Section 16.26B.108.2.1., Maui County Code), by adding a proviso of \$81,000 for equipment, for the purchase of three replacement vehicles for the Development Services Administration, Department of Public Works.

NO. 15-153 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by adding a \$10,000 appropriation for the Department of Public Works, to enable the County to receive a grant from the State of Hawaii Department of Health, for Complete Streets training.

NO. 15-154 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget, by adding a \$150,000 appropriation for the Department of the Prosecuting Attorney, to enable the County to receive a grant from the State of Hawaii Grant-In-Aid, for the prosecution of cases in the drug court and mental health courts, pursuant to Act 065 (2015).

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**H. COMMITTEE REPORTS (continued):****NO. 15-155 - BUDGET AND FINANCE COMMITTEE:**

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget, by (1) decreasing the appropriation for the Office of the Mayor, Economic Development Program, Grants and disbursements for business development and technology, Small Business Promotion, by \$25,000, from \$190,000 to \$165,000; (2) increasing the appropriation for the Department of Planning, Administration and Planning Program, Maui Redevelopment Agency, by \$25,000, from \$250,000 to \$275,000 for Wailuku First Friday events; and (3) amending Appendix C to incorporate the changes in (1) and (2).

**NO. 15-156 - COMMITTEE OF THE WHOLE:**

Recommending **ADOPTION** of resolution to authorize settlement of Judson K. McCandless v. County of Maui, Disability Compensation Division Case 7-12-00096.

*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. 15-157 - COMMITTEE OF THE WHOLE:**

Recommending **ADOPTION** of resolution to authorize settlement of Walter Havekorst v. County of Maui, Disability Compensation Division Case 7-09-01885.

*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.*

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**H. COMMITTEE REPORTS (continued):****NO. 15-158 - COMMITTEE OF THE WHOLE:**

Recommending **ADOPTION** of resolution to authorize settlement of In the Matter of the Grievance Arbitration Between the State of Hawaii Organization of Police Officers on Behalf of Clinton Gouveia and County of Maui, Maui Police Department, SHOPO Case M-2014-073.

*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. 15-159 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:**

Recommending **REFERRAL** of communication relating to baby diaper-changing accommodations for certain new establishments and uses to the Infrastructure and Environmental Management Committee.

**NO. 15-160 - PLANNING COMMITTEE:**

Recommending **ADOPTION** of resolution referring to the Lanai, Maui, and Molokai 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. 15-161 - PLANNING COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to establish within the Comprehensive Zoning Ordinance a definition for "wet bar" and to limit the number of wet bars in dwelling units; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 15-264 - DIRECTOR OF FINANCE, transmitting 67 contracts/grants for September 2015.
- NO. 15-265 - 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, 2015.
- NO. 15-266 - DIRECTOR OF FINANCE, informing of the sale of \$60,155,000 of General Obligation Bonds on October 7, 2015.
- NO. 15-267 - DIRECTOR OF FINANCE, transmitting the Supplemental Summary of Total Funded Indebtedness as of October 27, 2015.
- NO. 15-268 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of September 30, 2015.
- NO. 15-269 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of April 1, 2015 through September 30, 2015.
- NO. 15-270 - MAYOR, informing of a vacancy on the Cultural Resources Commission due to the resignation of Jarrett Wong.
- NO. 15-271 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for July and August 2015 for all registered well reporters in the County of Maui.
- NO. 15-272 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2015.
- NO. 15-273 - COUNTY AUDITOR, transmitting copies of Audit Report No. 15-01, relating to the Audit of the County's Road Resurfacing, Improvement and Maintenance Practices.

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-274 - BUDGET DIRECTOR, transmitting on behalf of the Department of Housing and Human Concerns, the 2015 Affordable Housing Fund Annual Plan and proposed bills reflecting appropriations for the proposed projects identified in the plan.
- NO. 15-275 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended September 30, 2015.
- NO. 15-276 - COUNCILMEMBER BAISA, relating to stormwater utilities.
- NO. 15-277 - PLANNING DIRECTOR, relating to an application filed by Lawrence and Crystal Schmidt on behalf of the Maui Dragon Fruit Farm LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING MAUI DRAGON FRUIT FARM LLC, A CONDITIONAL PERMIT TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT CERTAIN SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII", and related documents.
- NO. 15-278 - CHAIR, PLANNING COMMITTEE, transmitting a proposed resolution, entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN".
- NO. 15-279 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A SCENT TRACKING DOG TO THE COUNTY OF MAUI POLICE DEPARTMENT, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 68 (2015) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 1746-A SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII, THE SITE OF KIHANA NURSERY"

BILL NO. 73 (2015) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO EXCEPTIONAL TREES"

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.**