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**COUNCIL OF THE COUNTY OF MAUI**

2016 OCT 28 PM 4:18

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of November 4, 2016  
9:00 a.m.

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://co.maui.hi.us/Archive.aspx?AMID=226>  
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 BOB CARROLL

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE MEYER MASATO UEOKA"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 16-171 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by (1) increasing estimated revenues from Other Intergovernmental sources by \$2,500,000; (2) decreasing the Bond/Lapsed Bond Fund by \$2,500,000; and (3) changing the funding type under the Department of Environmental Management, Wailuku-Kahului Community Plan Area, Sanitation, from Bond Fund to State Revolving Loan Fund for the Central Maui Landfill (CML) Phase V Gas Collection System Expansion project;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 general obligation bond authorization ordinance by deleting the Central Maui Landfill (CML) Phase V Gas Collection System Expansion project because the Bond Fund will no longer be the funding source for the project;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Central Maui Landfill (CML) Phase V Gas Collection System Expansion project with funds from a State Revolving Loan Fund not to exceed \$2,500,000; and
4. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 16-172 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FILING** of communication;
2. **SCHEDULING** a PUBLIC HEARING on resolution to authorize the Mayor to submit an application to request the Governor designate the Island of Molokai as an Enterprise Zone for 20 years; and
3. **SCHEDULING** the resolution for further consideration following the public hearing.

NO. 16-173 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the grant of a non-exclusive easement to Oceanic Time Warner Cable LLC over 4.179 acres owned by the County to offer cable television and telecommunication services to the residents of the Kulamalu Affordable Housing Project at 65 Ohia Ku Street, Pukalani, Maui, Hawaii; and
2. **FILING** of communication.

NO. 16-174 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to establish parking prohibitions on the east and west sides of Kealakai Place, Paia, Maui, Hawaii; and
2. **FILING** of communication.

NO. 16-175 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **REFERRAL** of matter relating to costs attributed to the processing of green waste tonnage to the Budget and Finance Committee, along with data received from the Department of Environmental Management; and
2. **FILING** of communication related to Amendment 2 of Contract C5545.

H. COMMITTEE REPORTS (continued):NO. 16-176 - PLANNING COMMITTEE:

Recommending the following:

1. **REFERRAL** of matter relating to a third-party chief (not a County employee) to coordinate construction of affordable housing to your Housing, Human Services, and Transportation Committee;
2. **REFERRAL** of matter relating to revising County housing policies in Chapters 2.86 and 2.96, Maui County Code, to encourage the development of affordable housing and reduce barriers and costs to your Housing, Human Services, and Transportation Committee;
3. **REFERRAL** of matter relating to the sale or development of County-owned properties at the Maui Lani Fairways and Sand Hill Estates Subdivisions to your Housing, Human Services, and Transportation Committee;
4. **REFERRAL** of matter relating to building affordable homes for sale or rent on County-owned properties in West and South Maui to your Housing, Human Services, and Transportation Committee;
5. **REFERRAL** of matter relating to prioritizing County development of off-site infrastructure, especially water, sewer, and roadway improvements, to support housing and make it more affordable by reducing pass-through costs to your Infrastructure and Environmental Management Committee;
6. **REFERRAL** of matter relating to allowing for an independent third-party building plan review process to your Infrastructure and Environmental Management Committee;
7. **REFERRAL** of matter relating to amending Chapter 19.30A, Maui County Code, to decrease the minimum lot size for farm labor dwellings on agricultural land to your Planning Committee;
8. **REFERRAL** of matter relating to proposing an amendment to Section 3.35.010(B), Maui County Code, to require a larger percentage (e.g., 4 percent) of real property taxes be set aside in the Affordable Housing Fund to your Policy and Intergovernmental Affairs Committee; and
9. **REFERRAL** of matter relating to a "one-stop shop" at the new County service center or other appropriate location for processing permits to your Policy and Intergovernmental Affairs Committee.

NO. 16-177 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving for inclusion in the 2017 Maui County Legislative Package a State bill to authorize the counties to process District Boundary Amendments of 30 acres or less.

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I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 16-250 - CHIEF OF POLICE, informing of the intent to expend \$29,011.65 in Federal Forfeiture Funds to pay for a 2017 FLTR Trike for the Lahaina Patrol parking enforcement.
- NO. 16-251 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Roadblock Grant in the amount of \$355,020.80.
- NO. 16-252 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement Grant in the amount of \$57,601.08.
- NO. 16-253 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Seat Belt Enforcement Grant in the amount of \$112,170.
- NO. 16-254 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement Grant in the amount of \$147,690.
- NO. 16-255 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records Grant in the amount of \$86,215.
- NO. 16-256 - DIRECTOR OF PARKS AND RECREATION, transmitting a notice of grant award from the State of Hawaii, Department of Education for the Play and Learn Sessions (PALS) Food Service Program in the amount of \$200,000.
- NO. 16-257 - EMERGENCY MANAGEMENT OFFICER, transmitting a Notice of Grant Award from the State of Hawaii, Department of Defense for the Fiscal Year 2016 Homeland Security Grant Program in the amount of \$589,800.
- NO. 16-258 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a contribution award letter from Alexander & Baldwin, Inc. for the Elderly Lunch Program – A&B Kokua Giving Contribution in the amount of \$20,000.
- NO. 16-259 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, informing of the receipt of additional funding from the State of Hawaii, Executive Office on Aging for the Aging and Disability Resource Center in the amount of \$306,861.

I. COMMUNICATIONS (continued):

- NO. 16-260 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, informing of the receipt of additional funding from the State of Hawaii, Executive Office on Aging for the Older Americans Act Title III Program in the amount of \$1,842.
- NO. 16-261 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a notice of grant award from the State of Hawaii, Department of Health for the Glass Recovery Program in the amount of \$99,100.
- NO. 16-262 - DIRECTOR OF FINANCE, transmitting 59 contracts/grants for September 2016.
- NO. 16-263 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of April 1, 2016 through September 30, 2016.
- NO. 16-264 - DIRECTOR OF FINANCE, informing of the acquisition of Drainage Easements D-1 and D-2, Valley Isle Produce Subdivision No. 3, Kahului, TMK: (2) 3-7-011:013 and 019 (Por).
- NO. 16-265 - DIRECTOR OF FINANCE, informing of the acquisition of a Curb Ramp Easement, Hansen Road Subdivision, Lot 2-B, TMK: (2) 3-8-006:001 (Por).
- NO. 16-266 - DIRECTOR OF FINANCE, informing of the acquisition of the Hansen Road Rehabilitation Subdivision, Road Rounding Lot, TMK: (2) 3-8-001:001 (Por).
- NO. 16-267 - CHAIR, ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2016 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE".
- NO. 16-268 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING A PROPOSAL TO REQUIRE THE DEPARTMENT OF HEALTH TO REGULATE NOISE FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".
- NO. 16-269 - CHAIR, BOARD OF REVIEW, relating to the matter of filing Hawaii Resident Income Tax Return to enable Home Exemption.

I. COMMUNICATIONS (continued):

- NO. 16-270 - DEPUTY DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO OLD MAUI HIGH SCHOOL".
- NO. 16-271 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, HANA COMMUNITY PLAN AREA, HANA-KEANAE-KAILUA PARKS SYSTEM".
- NO. 16-272 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, AFFORDABLE HOUSING FUND, HALE MAHAOLU EWALU SENIOR PROJECT PHASE II"; and
  2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, AFFORDABLE HOUSING FUND, FABMAC AFFORDABLE HOUSING PROJECT".
- NO. 16-273 - COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO CONCESSIONS AND SPONSORSHIPS IN COUNTY PARKS AND RECREATIONAL FACILITIES".
- NO. 16-274 - COUNCILMEMBER COUCH, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT PIIKEA PARK, KIHEI, MAUI, HAWAII".
- NO. 16-275 - COUNCIL CHAIR WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.050, MAUI COUNTY CODE, RELATING TO STOPS REQUIRED AT NON-THROUGH STREET INTERSECTIONS AT MEHA ROAD AND KEALALOA AVENUE, MAKAWAO, MAUI, HAWAII".

I. COMMUNICATIONS (continued):

NO. 16-276 - PLANNING DIRECTOR, relating to Community Plan Amendment and Change in Zoning applications submitted by Lanai Resorts, LLC, dba Pulama Lanai, transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE LANA'I COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANA'I CITY, LANA'I, HAWAII TAX MAP KEY (2) 4-9-006:050"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANA'I CITY, LANA'I, HAWAII TAX MAP KEY (2) 4-9-006:050".

NO. 16-277 - PLANNING DIRECTOR, transmitting a Conditional Permit application submitted by Lanai Resorts, LLC, dba Pulama Lanai, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING LANA'I RESORTS, LLC, DBA PULAMA LANA'I, A CONDITIONAL PERMIT TO DEVELOP A HELISTOP PAD AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 4-9-002:001, MANELE, LANAI, HAWAII".

NO. 16-278 - PLANNING DIRECTOR, transmitting comments and recommendations from the Planning Commissions and Planning Department relating to Resolution No. 16-94, "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.65.030, MAUI COUNTY CODE, TO ESTABLISH OWNERSHIP DURATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL HOME PERMIT APPLICATIONS".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.



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K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 103 (2016) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN AMENDMENT TO AN EXISTING INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII REGARDING FEDERAL AID PROJECTS"
- BILL NO. 104 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, DEPARTMENT OF MANAGEMENT, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF POLICE, DEPARTMENT OF PUBLIC WORKS"
- BILL NO. 105 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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 THE PROSECUTING ATTORNEY (SPECIAL NEEDS ADVOCACY PROGRAM)"
- BILL NO. 106 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, WAIKAPU BASEYARDS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 107 (2016) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAPU BASEYARDS)"
- BILL NO. 108 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIKAPU BASEYARDS"

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.**