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COUNCIL OF THE COUNTY OF MAUI NOV 25 PM 4: 25

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of December 2, 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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER GLADYS BAISA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "EXPRESSING APPRECIATION TO COUNCILMEMBER GLADYS COELHO BAISA"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Emergency Meeting of October 11, 2016.
Regular Meeting of October 21, 2016.

H. COMMITTEE REPORTS:

NO. 16-180 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to amend the Fiscal Year 2017 Budget within the Department of Environmental Management by transferring \$1,200 from the Environmental Protection and Sustainability Program – Solid Waste Management Fund, from Category B (Operations) to Category C (Equipment) for a lease for a copy machine.

NO. 16-181 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to amend the Fiscal Year 2017 Budget within the Department of Liquor Control – Liquor Fund by transferring \$13,000 from the Liquor Control Program, Category B (Operations) to Category C (Equipment) for the purchase of a portable electronic fingerprint scanner.

NO. 16-182 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix C of the Fiscal Year 2017 Budget, Capital Improvement Projects, by adding "Hana ball park dugout, painting, and re-roofing" to the list of project descriptions for the Department of Parks and Recreation, Hana Community Plan Area, Hana-Keanae-Kailua Parks System project; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 16-183 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of correspondence dated December 3, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution to authorize settlement of plaintiffs' claim for attorneys' fees and costs in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK.

NO. 16-184 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Thomas Ligsay v. County of Maui, Disability Compensation Division Case 7-15-00504.

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. 16-185 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of The Matter of the Tax Appeal of Kaheawa Wind Power II, LLC, Tax Appeal 13-1-0313.

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. 16-186 - COMMITTEE OF THE WHOLE:

Recommending **REFERRAL** of communications to the Council Chair, for the term beginning January 2, 2017, relating to: (1) the proposed Nahiku Community Center litigation (County of Maui v. Maui Kupo Builders LLC, et al., Civil 15-1-0421(1)); and (2) litigation matters – the status of Ocean Resort Villas Vacation Owners Association, et al., Civil 13-1-0848(2); and Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 15-1-0435(1).

H. COMMITTEE REPORTS (continued):

NO. 16-187 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the County, by ordinance, to create special improvement districts, pursuant to Section 46-80.5, Hawaii Revised Statutes, for the purpose of providing and financing supplemental services and improvements within a geographically defined area, and to restore or promote business activity in the district; and
2. **FILING** of communication.

NO. 16-188 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a request from A&B Properties, Inc. for a Community Plan Amendment from Agricultural to Waiale Project District South for 122.6 acres situated at the corner of Kuihelani Highway and East Waiko Road, Waikapu, Maui, Hawaii, and identified for real property tax purposes as tax map keys (2) 3-8-005:037 and a portion of (2) 3-8-005:040 to facilitate the development of a master-planned residential community of up to 950 single-family and multifamily homes, with parks, open space, and commercial uses;
2. **FIRST READING** of bill to grant a request from A&B Properties, Inc. to establish land uses and allocations and development standards for the Waiale Project District South, a proposed residential community with a mixture of residential units, a park and open space system with bike and pedestrian paths, and supportive retail and commercial facilities;
3. **FIRST READING** of bill to grant a request from A&B Properties, Inc. for a Change in Zoning from Agricultural District to Waiale Project District South for the subject property to facilitate the development of the proposed project;
4. **RECORDATION** of the unilateral agreement; and
5. **FILING** of communication.

NO. 16-189 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the comprehensive zoning ordinance relating to accessory and affordable accessory dwellings; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 16-190 - PLANNING COMMITTEE:

Recommending the following:

1. **REFERRAL** of matter relating to comprehensive rezoning based on community plans to the Council Chair for the term beginning January 2, 2017;
2. **REFERRAL** of matter relating to comprehensive district boundary amendments based on the Maui Island Plan to the Council Chair for the term beginning January 2, 2017;
3. **REFERRAL** of matter relating to expediting the building plan review process by developing a catalog of pre-approved plans to the Council Chair for the term beginning January 2, 2017;
4. **REFERRAL** of matter relating to exploring zoning and permitting issues to establish "tiny house" communities and tiny houses on existing lots to the Council Chair for the term beginning January 2, 2017; and
5. **REFERRAL** of matter relating to identifying underdeveloped properties with multifamily and industrial designations that could be targeted for redevelopment as multifamily housing to the Council Chair for the term beginning January 2, 2017.

NO. 16-191 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Tapani Vuori to the Affirmative Action Advisory Council, for a term expiring March 31, 2018.

NO. 16-192 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to require all members of the planning commissions and Hana Advisory Committee to participate in a training course taught by Ka Huli Ao Center for Excellence in Native Hawaiian Law; and
2. **FILING** of communication.

NO. 16-193 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to include in the 2017 Maui County Legislative Package a State bill designating November 28 of each year as "La Ku`oko`a," Hawaii's independence day, to celebrate the historical recognition of independence for the Kingdom of Hawaii.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 16-297 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of grant award HI-34-0001 in the amount of \$415,834 and apportionments for grant HI-2016-002-00 in the amounts of \$250,000 and \$332,900 under the FTA Section 5339 Bus and Bus Facility Formula Program.

- NO. 16-298 - CHIEF OF POLICE, informing of the receipt of \$7,707 in Forfeiture Funds from the U.S. Marshals Service.

- NO. 16-299 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2016.

- NO. 16-300 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a status update on the Kula Ridge Affordable Housing Subdivision.

- NO. 16-301 - COUNCILMEMBER COCHRAN, transmitting an amendment to a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ACCESSORY AND AFFORDABLE ACCESSORY DWELLINGS", requiring that a report be prepared jointly by the Department of Planning and the Department of Housing and Human Concerns.

- NO. 16-302 - COUNCILMEMBER COCHRAN, transmitting an amendment to a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ACCESSORY AND AFFORDABLE ACCESSORY DWELLINGS", relating to setting maximum rents for affordable accessory dwellings at the 80 percentile range as established by HUD Affordable Rent Guidelines.

- NO. 16-303 - MAYOR, informing of a vacancy on the Cultural Resources Commission due to the resignation of Arleen Ricalde-Garcia.

- NO. 16-304 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF STACEY BARAOIDAN AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES".

- NO. 16-305 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF SANANDA K. BAZ AS SUPERVISING LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

I. COMMUNICATIONS (continued):

- NO. 16-306 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
 1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.25, MAUI COUNTY CODE, RELATING TO MOTOR VEHICLE REGISTRATION"; and
 2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF FINANCE, GENERAL FUND, NON-BUSINESS LICENSES & PERMITS, BIKEWAY FUND, LICENSES & PERMITS".

- NO. 16-307 - DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended September 30, 2016.

- NO. 16-308 - DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2016 to June 30, 2017 as of September 30, 2016 and the Capital Improvement Projects Report as of September 30, 2016.

- NO. 16-309 - COUNCIL VICE-CHAIR GUZMAN, relating to Christopher Salem v. Alan Arakawa, et al, Civil 15-00384 LEK-KSC.

- NO. 16-310 - PLANNING DIRECTOR, relating to a Conditional Permit application filed by Sylvia Hamilton Kerr on behalf of Ho`okahi Palama Ali'i, LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING HO`OKAHI PALAMA ALI'I, LLC A CONDITIONAL PERMIT TO CONDUCT LIMITED SPECIAL EVENTS, HISTORICAL AND BOTANICAL TOURS, PHOTO SHOTS, WORKSHOPS, RETREATS, WELLNESS AND EXERCISE CLASSES, AND TO ALLOW A BRIDAL LOUNGE AND EVENT PREPARATION SPACE IN AN EXISTING AGRICULTURAL BUILDING WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 250 HAIKU ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-7-003:006, HAIKU, MAUI, HAWAII", and related documents.

2. GENERAL COMMUNICATIONS:

- NO. 16-10 BLANCA L. LAFOLETTE, PROJECT COORDINATOR, FOR CMBY 2011 INVESTMENT, LLC, submitting a copy of the 2016 Annual Compliance Report for State Land Use Commission Docket No. A13-797/CMBY 2011 Investment, LLC: TMK (2) 3-8-008:019.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 113 (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 (HAWAII CRIMINAL JUSTICE DATA CENTER)"

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.