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**COUNCIL OF THE COUNTY OF MAUI**

2017 DEC 29 PM 3: 32

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of January 5, 2018  
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 shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 STACY CRIVELLO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "CONGRATULATING PAIGE ALMS FOR WINNING THE WOMEN'S FINAL OF THE 2017 PEAHI CHALLENGE"

NO. \_\_\_\_\_ "CONGRATULATING IAN WALSH FOR WINNING THE MEN'S FINAL OF THE 2017 PEAHI CHALLENGE"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of November 3, 2017

H. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 18-1 - FIRST DEPUTY PROSECUTING ATTORNEY, transmitting a notice of grant award from the State of Hawaii, Department of the Attorney General Crime Prevention and Justice Assistance Division for the Victim Witness Assistance Division, in the amounts of \$64,864 for both FY 2018 and FY 2019.

NO. 18-2 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the State Health Insurance Assistance Program (SHIP) in the amount of \$28,500.

NO. 18-3 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a contribution award letter from Matson Foundation for the Elderly Lunch Program in the amount of \$1,000.

NO. 18-4 - DIRECTOR OF FINANCE, transmitting 67 contracts/grants for November 2017.

NO. 18-5 - DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of December 31, 2016.

H. COMMUNICATIONS (continued):

NO. 18-6 - DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2018 Proposed General Obligation Bond Fund as of November 30, 2017.

NO. 18-7 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, OCEAN RECREATIONAL ACTIVITY FUND"; and
2. "ACQUISITION FOR REPLACEMENT OF EXISTING MOTOR VEHICLE REQUEST FORMS".

NO. 18-8 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, LANAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, LANAI FIRE STATION IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FIRE AND PUBLIC SAFETY, LANAI COMMUNITY PLAN AREA, LANAI FIRE STATION IMPROVEMENTS"; and
3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

NO. 18-9 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND"; and
2. A proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY, APPROXIMATELY 15,351 SQUARE FEET, LOCATED IN KIHEI, MAUI, HAWAII".

H. COMMUNICATIONS (continued):

NO. 18-10 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4454, BILL NO. 63 (2017), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (COUNTYWIDE EQUIPMENT)"; and
3. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT".

NO. 18-11 - COUNCILMEMBER HOKAMA, relating to the Fiscal Year 2019 Budget.

NO. 18-12 - COUNCILMEMBER COCHRAN, transmitting proposed amendments to Bill 117 (2017) "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING OF CENTRAL MAUI INLAND SAND".

NO. 18-13 - COUNCIL CHAIR WHITE, relating to refuse service for Waikapu Gardens in Wailuku.

NO. 18-14 - COUNCILMEMBER COCHRAN, relating to Keawe Street (Lahaina) Infrastructure.

NO. 18-15 - PLANNING DIRECTOR, relating to the Community Plan Amendment, District Boundary Amendment, and Change in Zoning for Seabury Hall, transmitting copies of documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR 14.95 ACRES SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-008:041 AND (2) 2-4-008:001 (POR.)";

H. COMMUNICATIONS (continued):

2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT FOR PROPERTIES SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-008:041 AND (2) 2-4-008:001 (POR.)"; and
3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 14.95 ACRES SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-008:041 AND (2) 2-4-008:001 (POR.)".

NO. 18-16 - COUNCILMEMBER ATAY, relating to Impacts of the Change in Zoning Process on Pending and Future Land Use.

NO. 18-17 - COUNCIL CHAIR WHITE, relating to an assessment study to administer lands acquired through the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund.

NO. 18-18 - DIRECTOR OF PERSONNEL SERVICES, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, THE CITY AND COUNTY OF HONOLULU, THE COUNTY OF KAUAI, AND THE COUNTY OF HAWAII TO SHARE THE COSTS AND EXPENSES OF SERVICES DIRECTLY RELATED TO THE INTEREST ARBITRATION HEARING FOR BARGAINING UNIT 14".

NO. 18-19 - COUNCILMEMBER SUGIMURA, relating to a performance audit of the Department of Liquor Control.

NO. 18-20 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending November 2017.

NO. 18-21 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for September and October 2017 for all registered well reporters in the County of Maui.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:NO. 18-1 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the Council Chair to contract for an Affordable Housing Policy and Implementation Analysis.

NO. 18-2 - LAND USE COMMITTEE:

Recommending **FILING** of communication transmitting a proposed bill to grant a request from Dr. Sujata Bhatia for a Change in Zoning from R-3 Residential District to B-2 Community Business District (Conditional Zoning) for approximately one acre situated at 1488 South Kihei Road, Kihei, Maui, Hawaii, to facilitate the development of a medical/office building.

NO. 18-3 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the indemnification of Teena Rasmussen in Robert G. Straub v. County of Maui, et al., Civil 17-00516 JMS-RLP.

*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.*

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 106 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF PLANNING, GENERAL FUND, CHARGES FOR CURRENT SERVICES, FEES – DEPARTMENT OF PLANNING"

BILL NO. 107 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, EMERGENCY MANAGEMENT AGENCY (STATE HOMELAND SECURITY GRANT (SHSG) PROGRAM)"

K. ORDINANCES - SECOND AND FINAL READING (continued):

- BILL NO. 108 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, KIHEI-MAKENA COMMUNITY PLAN AREA, PARKS AND RECREATION, WAIPUILANI PARK IRRIGATION SYSTEM; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 109 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, KIHEI-MAKENA COMMUNITY PLAN AREA, WAIPUILANI PARK IRRIGATION SYSTEM"
- BILL NO. 110 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, DRAINAGE, WAIEHU DRAINLINE REPAIRS, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 111 (2017) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4454, BILL NO. 63 (2017), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIEHU DRAINLINE REPAIRS)"
- BILL NO. 112 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIEHU DRAINLINE REPAIRS"
- BILL NO. 113 (2017) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON CERTAIN STREETS AND HIGHWAYS"
- BILL NO. 114 (2017) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.080, MAUI COUNTY CODE, RELATING TO COMMUNITY PLAN ADVISORY COMMITTEES"

K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 115 (2017) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF THE ATTORNEY GENERAL"

BILL NO. 116 (2017) - "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT"

BILL NO. 117 (2017) - "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING OF CENTRAL MAUI INLAND SAND"

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.**