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COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of July 6, 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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER ELLE COCHRAN

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "CONGRATULATING THE MAUI GOLD MEDAL WINNERS AT THE 2018 ISLAND MOVERS TRACK AND FIELD STATE CHAMPIONSHIPS"

NO. _____ "CONGRATULATING REAL PROPERTY ASSESSMENT DIVISION ON EARNING THE INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS CERTIFICATE OF EXCELLENCE IN ASSESSMENT ADMINISTRATION"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular meeting of March 23, 2018
Regular meeting of April 6, 2018
Public Hearing of April 25, 2018

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 18-232 - ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$69,093.

NO. 18-233 - ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the U.S. Department of Housing and Urban Development, for the Section 8 Housing Program Grants in the amount of \$24,680,647.

NO. 18-234 - ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the State of Hawaii, Department of Health, Alcohol and Drug Abuse Division, for the Substance Abuse Prevention System Grant in the amount of \$20,725.

NO. 18-235 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting the notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block Grant Program in the amount of \$1,900,669.

NO. 18-236 - DIRECTOR OF FINANCE, transmitting 59 contracts/grants for May 2018.

H. COMMUNICATIONS (continued):

- NO. 18-237 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 2-A-6, Haliimaile Road, Makani Sanitary Landfill Large-Lot Subdivision, Haliimaile, Maui, TMK: (2) 2-4-001:003 por.
- NO. 18-238 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lots 2-A-4 and 2-A-5, Aala Place, Makani Sanitary Landfill Large-Lot Subdivision, Haliimaile, Maui, TMK: (2) 2-4-001:003 por.
- NO. 18-239 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot D-1-B, Lower Honoapiilani Road, North Beach Subdivision II, Honokowai, Lahaina, Maui, TMK: (2) 4-4-014:018.
- NO. 18-240 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 12, Lower Honoapiilani Road, North Beach Subdivision II, Honokowai, Lahaina, Maui, TMK: (2) 4-4-014:019.
- NO. 18-241 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Roadway Lot 61, Ohana Hana Place, Ohana Hana Street, and Ohana Hana Loop, Waikapu Gardens Phase 2 Subdivision, Waikapu, Wailuku, Maui, TMK: (2) 3-5-036:061.
- NO. 18-242 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot, Remnant 4, Pauwela Road Sidewalk Improvements, Haiku, Maui, TMK: (2) 2-7-008:043 por.
- NO. 18-243 - CHAIR, CIVIL SERVICE COMMISSION, transmitting the performance evaluation of the Director of Personnel Services.
- NO. 18-244 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending May 2018.
- NO. 18-245 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for April 2018 for all registered well reporters in the County of Maui.
- NO. 18-246 - COUNCILMEMBER HOKAMA, relating to amendments to the Fiscal Year 2019 Budget to authorize transfers between categories of use that are within a program or department.

H. COMMUNICATIONS (continued):

- NO. 18-247 - COUNCILMEMBER HOKAMA, relating to amendments to Appendix A, Grant Revenue – Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2019.

- NO. 18-248 - COUNCILMEMBER HOKAMA, relating to Appendix B, Rates and Fees, for facility rates for community classes.

- NO. 18-249 - 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 May 31, 2018.

- NO. 18-250 - COUNTY AUDITOR, transmitting the plan of audits proposed to be conducted during Fiscal Year 2019.

- NO. 18-251 - COUNCILMEMBER SUGIMURA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 6.04, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL".

- NO. 18-252 - COUNCILMEMBER COCHRAN, relating to the surface maintenance and upkeep of Door of Faith Road.

- NO. 18-253 - COUNCILMEMBER CRIVELLO, relating to a Councilmember's report on the 2018 Hawaii State Association of Counties Annual Conference.

- NO. 18-254 - MAYOR, 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 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF DEFENSE".

- NO. 18-255 - MAYOR, transmitting the following proposed resolutions entitled:
 - 1. "APPROVING THE APPOINTMENT OF WILLIAM SPENCE AS THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS"; and
 - 2. "APPROVING THE APPOINTMENT OF MICHELE MCLEAN AS THE DIRECTOR OF THE DEPARTMENT OF PLANNING".

- NO. 18-256 - MAYOR, relating to statements made by Councilmember Elle Cochran at the Policy, Economic Development, and Agriculture Committee meeting held on June 6, 2018.

2. GENERAL COMMUNICATIONS:

NO. 18-3 - DANIEL Y. YASUI, A&B PROPERTIES HAWAII, LLC., submitting the 2018 Annual Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

NO. 18-4 - BLANCA LAFOLETTE, PROJECT COORDINATOR, CMBY 2011 INVESTMENT, LLC, submitting the Conditions of Zoning Compliance Report for Ordinance No. 4220, CMBY 2011 Investment, LLC, TMK: (2) 3-8-008:019.

I. COMMITTEE REPORTS:

NO. 18-99 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 10.32.020, Maui County Code, to revise the limits of the one-way portion of Oihana Street, Wailuku, Maui, Hawaii, from the intersection of Kanoa Street to the east side of Spreckles Ditch; and
2. **FILING** of communication.

NO. 18-100 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 10.60.042, Maui County Code, to establish a mid-block crosswalk on South Kihei Road approximately 250 feet north of Hoonani Street, Kihei, Maui, Hawaii; and
2. **FILING** of communication.

NO. 18-101 - LAND USE COMMITTEE:

Recommending **FILING** of communication relating to residential districts.

NO. 18-102 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of David Taylor v. Alan Arakawa, et al., Civil 18-1-0056(1).

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.

I. COMMITTEE REPORTS (continued):

- NO. 18-103 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **FILING** of correspondence dated April 30, 2018, from Councilmember Stacy Crivello, relating to a proposed amendment to the Revised Charter of the County of Maui (1983), as amended, to have the Board of Water Supply appoint, evaluate, and remove the Director of Water Supply, and the Director of Water Supply appoint the Deputy Director of Water Supply.

- NO. 18-104 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Tanya Lee-Greig to the Maui County Cultural Resources Commission for a term expiring on March 31, 2022.

- NO. 18-105 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Edward Codelia to the Cost of Government Commission for a term expiring on March 31, 2023.

- NO. 18-106 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Zane Lacaden to the Commission on Children and Youth for a term expiring on March 31, 2021.

- NO. 18-107 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Stuart Marlowe (Lanai) to the Urban Design Review Board for a term expiring on March 31, 2023.

- NO. 18-108 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Jo-Ann Ridao to the Maui Redevelopment Agency for a term expiring on March 31, 2019.

- NO. 18-109 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Ray Shimabuku to the Board of Variances and Appeals for a term expiring on March 31, 2021.

I. COMMITTEE REPORTS (continued):

- NO. 18-110 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Hannah Werth to the Council on Aging for a term expiring on March 31, 2020.
- NO. 18-111 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Kellie Pali to the Maui Planning Commission for a term expiring on March 31, 2019.
- NO. 18-112 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 13-6 of the Revised Charter of the County of Maui (1983), as amended, shall be amended to require that claims be filed with the Department of the Corporation Counsel instead of the Office of the County Clerk.
- NO. 18-113 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 13-10 of the Revised Charter of the County of Maui (1983), as amended, shall be amended to increase the penalty for the operation of a transient accommodation without a necessary permit from the current \$1,000 amount to a civil fine of up to \$20,000 plus \$10,000 per day for each day the unlawful operation persists, unless a higher fine is authorized by State law, and to clarify that the current limit of a \$1,000 fine for the violation of an ordinance is a limit of \$1,000 per day the violation persists.
- NO. 18-114 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:
Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, shall be amended to expand the uses of the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to authorize the fund to be used to perform safety and security improvements on lands acquired through the fund.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 61 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE EFFECTIVE DATE OF ORDINANCE 4851 (2018), RELATING TO HIGHWAY IMPROVEMENT FEES AND VEHICLE DISPOSAL FEES"

BILL NO. 62 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ENFORCEMENT PROCEDURES FOR BED AND BREAKFAST HOMES"

L. UNFINISHED BUSINESS:

NONE.

NOTE: "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.

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.