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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 August 23, 2019
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.mauhi.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 SHANE SINENCI

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of May 10, 2019 (Fuel Tax)
Public Hearing of May 10, 2019 (Motor Vehicle Weight Tax)
Public Hearing of May 10, 2019 (Real Property Tax)

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 19-332 - DIRECTOR OF FINANCE, transmitting 117 contracts/grants for July 2019.

NO. 19-333 - DIRECTOR OF FINANCE, relating to grant revenues and transmitting the following:

1. Approval letter from the State of Hawaii, Department of Transportation for the Periodic Motor Vehicle Inspection, Commercial Driver License, State Identification, and Motor Vehicle Registration Programs; and
2. Extension of the Memorandum of Agreement with the State of Hawaii Disability & Communication Access Board for implementation of the Persons with Disabilities Parking Program.

NO. 19-334 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of June 30, 2019.

NO. 19-335 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending July 2019.

NO. 19-336 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for June 2019 for all registered well reporters in the County of Maui.

H. COMMUNICATIONS (continued):

- NO. 19-337 - COUNCILMEMBER KAMA, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO INVESTIGATE AND LITIGATE ACTIONABLE CLAIMS AGAINST BANK OF AMERICA AND THE BANKING AND MORTGAGE INDUSTRY".
- NO. 19-338 - COUNCIL CHAIR KING, transmitting County Communications 19-107 from Councilmember Michael J. Molina and 19-108 from Presiding Officer Pro Tempore Tasha Kama, relating to Bank of America's commitment to provide mortgages for Native Hawaiians on Hawaiian Home Lands.
- NO. 19-339 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of June 30, 2019 (Fiscal Year 2019 Fourth Quarter).
- NO. 19-340 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE IN THE OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM, FISCAL YEAR 2020 BUDGET".
- NO. 19-341 - COUNCILMEMBER LEE, relating to the invasive African tulip tree.
- NO. 19-342 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF THE LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL FOR LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON AGING".
- NO. 19-343 - CHIEF OF POLICE, 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 DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII".
- NO. 19-344 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT WAHIKULI WAYSIDE PARK".
- NO. 19-345 - COUNCILMEMBER SINENCI, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION, TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP, AND TO CHANGE THE ZONING FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032 (DOOR OF FAITH CHURCH)".
- NO. 19-346 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (2) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI".

H. COMMUNICATIONS (continued):

NO. 19-347 - PLANNING DIRECTOR, relating to a Community Plan Amendment and Change in Zoning for the proposed Maalaea Agricultural Subdivision, Maalaea, transmitting copies of documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PROJECT DISTRICT 12 TO AGRICULTURE FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-6-001:018"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN SPACE ZONE, R-3 RESIDENTIAL AND ROAD/STREET RESERVE ZONE TO AGRICULTURE FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, BEING PORTIONS OF TAX MAP KEY (2) 3-6-001:018".

NO. 19-348 - COUNCILMEMBER PALTIN, relating to the planning and land use of agricultural zones for high altitude aviation, including drones and loons, and 5G.

NO. 19-349 - COUNCILMEMBER LEE, relating to a new public road connecting Upcountry to South Maui.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 19-98 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending **REFERRAL** of communication, relating to the Central Maui Landfill Land Purchase Project, to the Economic Development and Budget Committee.

NO. 19-99 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending **REFERRAL** of communication, relating to the Kihei-Makena Sewer Expansion Project, to the Economic Development and Budget Committee.

NO. 19-100 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to require improvements to existing streets for a subdivision creating two developable lots, except for an applicant on the priority list for the Upcountry water system who qualifies for the exemption from fire protection mainline infrastructure improvements; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 46 (2019) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.05.050, MAUI COUNTY CODE, RELATING TO REIMBURSEMENT FOR SUBDIVISION WATER MAIN EXTENSION"

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 40 (2019) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)"

BILL NO. 41 (2019) - "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-002:006 (POR.)"

BILL NO. 42 (2019) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)"

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 REQUIRE AN AUXILIARY AID, SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.