

Council of the County of Maui

A G E N D A

Regular Meeting of July 15, 2016

9:00 AM

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>

email: county.clerk@mauicounty.us

council

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 ELLE COCHRAN**C. PLEDGE OF ALLEGIANCE****D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY**G. MINUTES:**

[Min 16-20](#) Public Hearing of April 27, 2016

[Min 16-21](#) Public Hearing of May 13, 2016

H. COMMITTEE REPORTS:**Budget and Finance Committee**

[CR 16-106](#) Recommending **FILING** of correspondence from the Budget Director, amending the Fiscal Year 2016 Budget as it relates to appropriations to the Maui Family Life Center, Ka Hale A Ke Ola, and the Department of Housing and Human Concerns, and the acquisition of Spacemax Shelter Units.

[CR 16-107](#) Recommending **FILING** of correspondence from the Budget Director, amending the Fiscal Year 2016 Budget as it relates to salary increases for Bargaining Unit 03 positions.

Land Use Committee

[CR 16-108](#) Recommending the following:

1. **FIRST READING** of bill to grant a request from Royal Kaanapali Holdings, LLC, for a five-year Conditional Permit to allow up to 24 resort-related or community-sponsored special events per year on sites specified within the Royal Kaanapali and Kai Golf Courses, in the A-2 Apartment District and the R-3 Residential District, Kaanapali, Maui, Hawaii; and
2. **FILING** of communication.

[CR 16-109](#)

Recommending the following:

1. **FIRST READING** of bill to grant a request from the Planning Director, on behalf of Maui R&T Partners, LLC, to amend the Kihei-Makena Community Plan and Land Use Map from Project District 6 (R & T Park), Public/Quasi-Public, and Agriculture to Maui Research & Technology Park for approximately 390.104 acres located at Kihei, Maui, Hawaii;
2. **FIRST READING** of bill to grant a request from the Planning Director, on behalf of Maui R&T Partners, LLC, to establish the Maui Research & Technology Park District as a new Chapter 19.38, Maui County Code, for property situated in Kihei, Maui, Hawaii;
3. **FIRST READING** of bill to grant a request from the Planning Director, on behalf of Maui R&T Partners, LLC, for a Change in Zoning from Kihei Research and Technology Park District and Agricultural District to Maui Research & Technology Park District (Conditional Zoning) for approximately 390.104 acres located at Kihei, Maui, Hawaii;
4. **RECORDATION** of the unilateral agreement; and
5. **FILING** of communication.

Policy and Intergovernmental Affairs Committee[CR 16-110](#)

Recommending the following:

1. **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, should be amended to: (a) require Council approval of the Mayor's appointment of the Managing Director, Director of Finance, Director of Public Works, Director of Parks and Recreation, Planning Director, Director of Housing and Human Concerns, Director of Transportation, and Director of Environmental Management; (b) allow the Council to remove the Managing Director, Corporation Counsel, Prosecuting Attorney, and Director of Finance by a two-thirds vote of its entire membership; and (c) allow additional qualifications for department directors to be established by ordinance;
2. **FILING** of communications; and
3. **FILING** of correspondence dated April 28, 2016.

[CR 16-111](#)

Recommending the following:

1. **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, should be amended to allow attorneys within the Office of Council Services, in addition to the attorneys within the Department of the Corporation Counsel, to serve as legal advisors to the Council and its members, and to allow the Council to designate, by a two-thirds vote of its entire membership, attorneys within the Office of Council Services as special counsel to serve as legal representatives for any special matter presenting a real necessity; and
2. **FILING** of communication.

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. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

[CC 16-136](#)

DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a grant award letter from the U.S. Department of Housing & Urban Development (HUD), for the Section 8 Housing Assistance Program and a notice regarding the increase of the Administration Fee Proration.

[CC 16-137](#)

CHIEF OF POLICE, informing of the receipt of a 2006 Honda Civic EX from the State Department of the Attorney General.

[CC 16-138](#)

CHIEF OF POLICE, transmitting a copy of the budget approved by the Wireless Enhanced E911 Board for Fiscal Year 2017 in the amount of \$2,251,000.00.

[CC 16-139](#)

CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Health for the Emergency Medical System grant for Fiscal Year 2017 in the amount of \$376,865.83.

[CC 16-140](#)

CHIEF OF POLICE, transmitting a copy of the grant agreement with the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas (HIDTA) grant for Fiscal Year 2017 in the amount of \$118,000.00.

[CC 16-141](#)

CHIEF OF POLICE, transmitting a copy of the grant agreement with the Office of Youth Services for the KALO Program for Fiscal Year 2017 in the amount of \$89,000.00.

[CC 16-142](#)

PROSECUTING ATTORNEY, transmitting a copy of the notice of grant award from the Department of the Attorney General, Crime Prevention and Justice Assistance Division, for the Domestic Violence Investigations Project.

- [CC 16-143](#) CHAIR, POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF DAVID COURSON TO THE BOARD OF ETHICS".
- [CC 16-144](#) COUNTY AUDITOR, transmitting the plan of audits proposed to be conducted during Fiscal Year 2017.
- [CC 16-145](#) 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 A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (GLASS RECOVERY PROGRAM)".
- [CC 16-146](#) BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM - SOLID WASTE MANAGEMENT FUND, DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; 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 ENVIRONMENTAL MANAGEMENT, SOLID WASTE MANAGEMENT FUND, CHARGES FOR CURRENT SERVICES, FEES - REFUSE DISPOSAL".
- [CC 16-147](#) DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF 4 LOTS IN THE HAIKU SUGAR EAST SUBDIVISION AT HAIKU, MAUI, HAWAII".
- [CC 16-148](#) DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING, AND PARKING".
- [CC 16-149](#) DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED".
- [CC 16-150](#) DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITED ON CERTAIN STREETS AND HIGHWAYS".

2. GENERAL COMMUNICATIONS:

- [GC 16-5](#) BLANCA LAFOLETTE, PROJECT MANAGER, 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.
- [GC 16-6](#) KATHRYN S. MATAYOSHI, SUPERINTENDENT, DEPARTMENT OF EDUCATION, STATE OF HAWAII, submitting the 2016 Annual Report in accordance with Condition 3 of Ordinance No. 4135, Kihei High School change in zoning.
- [GC 16-7](#) GRANT CHUN, VICE PRESIDENT, MAUI, A&B PROPERTIES, INC., submitting the 2016 Annual Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING

- [BILL 71 \(2016\)](#) "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO R-3 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII"

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.