

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of July 7, 2009
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.

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 three minutes on each item. If additional time is requested, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 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 MICHAEL J. MOLINA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "EXPRESSING APPRECIATION TO CHIEF OF POLICE THOMAS M. PHILLIPS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 09-62 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the County of Maui's Affordable Housing Fund Program Fiscal Year 2009 Annual Plan.

NO. 09-63 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Sections 3.48.415 and 3.48.558, Maui County Code, pertaining to real property tax exemption for child care facilities; and
2. **FILING** of communication.

NO. 09-64 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Sections 3.48.305 and 3.48.450, Maui County Code, pertaining to a commercialized residential property tax classification; and
2. **FILING** of communication.

NO. 09-65 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Doradeen Kanuha to the *Maui County Cultural Resources Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 09-66 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of Road Widening Lot 12-E-1-B of the Waiohuli-Keokea Homesteads subdivision along Lipoa Street, consisting of 3,318 square feet, and identified as TMK: (2) 3-9-02:154; and
2. **FILING** of communication. (Maui Self Storage)

H. COMMITTEE REPORTS (continued):**NO. 09-67 - LAND USE COMMITTEE:**

Recommending **FILING** of communication requesting a District Boundary Amendment from Agricultural to Urban; Community Plan Amendment from Project District 10 to Heavy Industrial; and a Change in Zoning from Agricultural District to M-2 Heavy Industrial District to allow for the establishment of an abandoned vehicle facility, scrap metal, and white goods facility on approximately 14.802 acres owned by the State of Hawaii in Puunene, Maui, Hawaii (TMK: (2) 3-8-08:001(por.)).

NO. 09-68 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Willem and Maris Van Der Lee for a Change in Zoning from Interim District to R-3 Residential District to develop a three-lot family subdivision on approximately 1.33 acres, located at 898 Pakele Place, Wailuku, Maui, Hawaii (TMK: (2) 3-3-01:027); and
2. **FILING** of communication.

NO. 09-69 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring draft bills amending Chapters 19.08 and 19.35, Maui County Code, relating to residential districts and accessory dwellings, to the Lanai, Maui, and Molokai Planning Commissions and the Hana Advisory Committee.

NO. 09-70 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a 15-year lease of County real property to Mental Health Kokua; and
2. **FILING** of communication.

NO. 09-71 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.01, Maui County Code, relating to water (to clarify the Director of Water Supply's authority to promulgate rules; and to codify the Department of Water Supply's rules and regulations relating to definitions); and
2. **FILING** of committee report.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 09-184 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of May 31, 2009.
- NO. 09-185 - DIRECTOR OF FINANCE, transmitting 50 contracts for May 2009.
- NO. 09-186 - CHIEF OF POLICE, informing of the receipt of \$7,213.00 in Forfeiture Funds from the U.S. Department of Justice, Federal Bureau of Investigation.
- NO. 09-187 - MAYOR, informing of a vacancy on the *Commission on Culture and the Arts* due to the resignation of Veronica Yamanoha.
- NO. 09-188 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY FROM KA HALE POMAIIKAI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 09-189 - COUNCIL CHAIR, transmitting copies of the "COUNTY OF MAUI, AUDITOR'S REPORT TO MANAGEMENT FOR THE FISCAL YEAR ENDED JUNE 30, 2008" and "DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, AUDITOR'S REPORT TO MANAGEMENT FOR THE FISCAL YEAR ENDED JUNE 30, 2008".
- NO. 09-190 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3620 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES";
 2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3624 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES";
 3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3625 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES";
 4. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3632 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES"; and
 5. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3626 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN AFFORDABLE HOUSING FUND PROVISOS".

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-191 - COUNCIL CHAIR, transmitting a letter from Craig Anderson, Chair of the Cost of Government Commission, requesting the Council's recommendations for areas of County operations that the Commission should consider during its 2009-2010 term.
- NO. 09-192 - COUNCILMEMBER NISHIKI, relating to the prohibition of shark tours and related activities.
- NO. 09-193 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE WAIOLANI PIKAKE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 09-194 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE LAHAINA BUSINESS PARK AND LAHAINA BUSINESS PARK - PHASE II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 09-195 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF DRAINAGE EASEMENT FOR THE MOLOKAI LANDFILL PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 09-196 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.16A, MAUI COUNTY CODE, PERTAINING TO THE ENERGY CODE".
- NO. 09-197 - COUNCIL CHAIR, transmitting letters from Clyde Murashige, A&B Properties, Inc., submitting the 2007 and 2008 Annual Reports in accordance with Condition No. 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District (Conditional zoning), for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision).

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 39 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE LOWER PAIA WATER TANK REPLACEMENT"
- BILL NO. 40 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE KAMOLE WATER TREATMENT PLANT HIGH LIFT PUMPS"
- BILL NO. 41 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE OMAOPIO ROAD TANK REPLACEMENTS"
- BILL NO. 42 (2009) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3571 (2008) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI"
- BILL NO. 43 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS, STATE OF HAWAII"
- BILL NO. 44 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PROHIBITING CONSUMPTION OF ALCOHOL AT HONOKOWAI BEACH PARK"
- BILL NO. 45 (2009) - "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII FOR THE PROPOSED WEST MAUI MEDICAL FACILITY AND RELATED ANCILLARY MEDICAL FACILITIES"
- BILL NO. 46 (2009) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII FOR THE PROPOSED WEST MAUI MEDICAL FACILITY AND RELATED ANCILLARY MEDICAL FACILITIES"

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

- BILL NO. 47 (2009) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII FOR THE PROPOSED WEST MAUI MEDICAL FACILITY AND RELATED ANCILLARY MEDICAL FACILITIES"
- BILL NO. 48 (2009) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.02, ADDING CHAPTER 19.02A, AND AMENDING CHAPTER 19.04, MAUI COUNTY CODE, RELATING TO INTERIM ZONING DISTRICTS AND GENERAL PROVISIONS AND DEFINITIONS"
- BILL NO. 49 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, REPEALING CHAPTER 19.36, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 19.36A, MAUI COUNTY CODE, PERTAINING TO OFF-STREET PARKING AND LOADING"
- BILL NO. 50 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF MEAL SERVICE FOR THE CONGREGATE NUTRITION AND MEALS ON WHEELS PROGRAMS BETWEEN THE DEPARTMENT OF EDUCATION, STATE OF HAWAII, AND THE COUNTY OF MAUI"
- BILL NO. 51 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, STATE OF HAWAII AND THE COUNTY OF MAUI TO SUPPORT THE ESTABLISHMENT OF A CLOSED DISPENSING SITE TO PROVIDE PROPHYLAXIS MEDICATION OR VACCINATIONS TO ESSENTIAL PERSONNEL AND/OR CLIENTS OF THE COUNTY OF MAUI"
- BILL NO. 52 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, STATE OF HAWAII AND THE MAUI COUNTY DEPARTMENT OF FIRE AND PUBLIC SAFETY TO SUPPORT THE ESTABLISHMENT OF A CLOSED DISPENSING SITE TO PROVIDE PROPHYLAXIS MEDICATION OR VACCINATIONS TO ESSENTIAL PERSONNEL OF THE COUNTY OF MAUI, DEPARTMENT OF FIRE AND PUBLIC SAFETY"

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

BILL NO. 53 (2009) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, STATE OF HAWAII AND THE MAUI POLICE DEPARTMENT TO SUPPORT THE ESTABLISHMENT OF A CLOSED DISPENSING SITE TO PROVIDE PROPHYLAXIS MEDICATION OR VACCINATIONS TO ESSENTIAL PERSONNEL OF THE MAUI POLICE DEPARTMENT"

BILL NO. 54 (2009) - "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO THE WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM"

L. UNFINISHED BUSINESS:

NONE.

M. ANNOUNCEMENTS

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.