

# COUNCIL OF THE COUNTY OF MAUI

## A G E N D A

Regular Meeting of August 25, 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](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 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER GLADYS C. BAISA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "COMMEMORATING THE 80<sup>TH</sup> ANNIVERSARY OF THE WAILUKU PUBLIC LIBRARY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

1. Regular Council Meeting of March 20, 2009
2. Regular Council Meeting of April 3, 2009
3. Regular Council Meeting of April 17, 2009

H. COMMITTEE REPORTS:NO. 09-84 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 3.48, Maui County Code, pertaining to a real property tax exemption for those portions of real property zoned residential or agricultural and designated as kuleana land, where the land is not used for commercial purposes; and
2. **FILING** of communication.

NO. 09-85 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Ray Shimabuku to the *Board of Variances and Appeals*; Arnold Wunder to the *Civil Service Commission*; Sunny Cabello to the *Commission on Children and Youth*; Ivan Lay to the *Cost of Government Commission*; Gene Zarro to the *Maui County Grants Review Committee*; and Agnes Terao-Guiala to the *Salary Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 09-86 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim of Wade H. Saunders, Claim No. 2007-080.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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; and Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

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**H. COMMITTEE REPORTS (continued):****NO. 09-87 - COMMITTEE OF THE WHOLE:**

Recommending **ADOPTION** of resolution to authorize settlement of Claim of Ronald Pirone, Claim No. 2007-083.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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; and Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

**NO. 09-88 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a 20-year lease to Lahaina Restoration Foundation, for property comprised of approximately 0.3898 acre located at 636 Luakini Street, Lahaina, Maui, Hawaii, to restore, maintain, and operate the Hale Aloha building for administrative purposes and other related activities; and
2. **FILING** of communication.

**NO. 09-89 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill relating to the prohibition of shark tour operations; and
2. **FILING** of communication.

**NO. 09-90 - INFRASTRUCTURE MANAGEMENT COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication of a drainage easement, identified as Drainage Easement D, for the Molokai Landfill, affecting TMK: (2) 5-2-11:030; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 09-91 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication of Roadway Lot 38, consisting of approximately 48,178 square feet, on Kama Street in the Waiolani Pikake Subdivision, Waikapu, Maui; and
2. **FILING** of communication.

NO. 09-92 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication of Roadway Lot Nos. 29 and 32, also known as the Keawe Street extension; Lot Nos. 30 and 32, also known as Kupuohi Street; and Lot Nos. 31 and 33, also known as Ulupono Street; located in the Lahaina Business Park and Lahaina Business Park – Phase II, Lahaina, Maui; and
2. **FILING** of communication.

NO. 09-93 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to establish a mid-block crosswalk on South Kihei Road, fronting the Kai Makani condominium complex, located approximately 800 feet south of Ohukai Road, Kihei, Maui; and
2. **FILING** of communication.

NO. 09-94 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Royal Main Properties, LLC for a District Boundary Amendment from Agricultural to Urban for approximately 9.289 acres located mauka of Piilani Highway at the intersection of Kaiwahine and Hale Kai Streets, Kihei, Maui, Hawaii (TMK: (2) 3-8-04:028) (the subject property) to allow for the development of a 47-lot single-family residential subdivision known as the Kaiwahine Subdivision; and
2. **FIRST READING** of bill granting a request from Royal Main Properties, LLC for a Change in Zoning from Agricultural District to R-1 Residential District for subject property, to allow for the development of the Kaiwahine Subdivision; and

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H. COMMITTEE REPORTS (continued):

3. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
4. **FILING** of communication.

NO. 09-95 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing the Service Business Residential Zoning District, which provides for a mixture of small-scale, neighborhood-oriented businesses and residential uses, including Single-Family, Duplex, Small-Scale Business, Small-Scale Business/Residential Mixed Use, Bed and Breakfast Home, and Transient Vacation Rental; and
2. **FILING** of communication.

NO. 09-96 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a lease of county real property to Lokahi Pacific for an affordable housing development in Lahaina, Maui; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 09-222 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General for the Domestic Violence Investigations program in the amount of \$48,471.00.

NO. 09-223 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a copy of the "ANNUAL ACTION PLAN (AAP) OF THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2009 (JULY 1, 2009 THROUGH JUNE 30, 2010)".

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-224 - DIRECTOR OF PUBLIC WORKS, transmitting "Other Departmental Support" reports for the third quarter of Fiscal Year 2009, for work provided by the Department of Public Works to the Department of Environmental Management.
- NO. 09-225 - COUNCILMEMBER PONTANILLA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.450, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX HOME EXEMPTIONS".
- NO. 09-226 - COUNCILMEMBER PONTANILLA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.320, MAUI COUNTY CODE, PERTAINING TO LAND CLASSIFIED AS AGRICULTURE OR COMMERCIALIZED RESIDENTIAL AND USED FOR AGRICULTURE".
- NO. 09-227 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX".
- NO. 09-228 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2010, AFFORDABLE HOUSING FUND: IMI IKENA; MOKUHAU APARTMENTS; HALE MAUNALOA; AND NA HALE O MAUI AFFORDABLE HOUSING PROJECTS".
- NO. 09-229 - COUNCILMEMBER MOLINA, relating to proposed Charter Amendments.
- NO. 09-230 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "ACCEPTING LAND DEDICATION FOR PARK AND PLAYGROUND PURPOSES IN THE KE ALI'I KAI II SUBDIVISION, KAMAOLE, KIHEI, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".
- NO. 09-231 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, PERTAINING TO PROHIBITED PARKING IN MOLOKAI DISTRICT".

1. COUNTY COMMUNICATIONS (continued):

NO. 09-232 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, PERTAINING TO STOPPING, STANDING AND PARKING ON WAILANI STREET, WAILUKU".

NO. 09-233 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROAD WIDENING LOTS FOR THE KAMEHAMEIKI-PULEHUIKI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

NO. 09-234 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3142 (2003), GRANTING A CONDITIONAL PERMIT TO SEABURY HALL TO ALLOW FOR THE CONSTRUCTION OF A PARKING LOT ON A PORTION OF LAND ADJACENT TO SEABURY HALL WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT 480 OLINDA ROAD, MAKAWAO, MAUI, HAWAII", and related documents.

NO. 09-235 - COUNCILMEMBER JOHNSON, relating to Special Management Area permit compliance.

NO. 09-236 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended July 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

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K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 60 (2009) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3620 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES"

BILL NO. 61 (2009) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3624 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES"

BILL NO. 62 (2009) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3625 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES"

BILL NO. 63 (2009) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3632 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN BALANCES"

BILL NO. 64 (2009) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3626 (2009) PERTAINING TO THE FISCAL YEAR 2009 BUDGET, TO CORRECT CERTAIN AFFORDABLE HOUSING FUND PROVISOS"

BILL NO. 65 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PROHIBITING CONSUMPTION OF ALCOHOL AT CHARLEY YOUNG PARK"

L. UNFINISHED BUSINESS:

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.**