

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of September 4, 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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER JO ANNE JOHNSON

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING HALAU KEKUAOKALA'AU'ALA'ILIAHI FOR ITS ACHIEVEMENTS AT THE 34TH ANNUAL QUEEN LILI'UOKALANI KEIKI HULA COMPETITION"

NO. _____ - "CONGRATULATING MAUI COUNTY'S DISTRICT III ALL-STAR LITTLE LEAGUE BASEBALL TEAM OF CENTRAL EAST MAUI FOR WINNING THE 2009 MAJOR LITTLE LEAGUE STATE CHAMPIONSHIP"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

- 1. Public hearing of April 8, 2009
- 2. Public hearing of April 23, 2009
- 3. Regular meeting of May 1, 2009
- 4. Public hearing of May 13, 2009
- 5. Public hearing of May 13, 2009

H. COMMITTEE REPORTS:

NO. 09-97 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report entitled "COST OF GOVERNMENT COMMISSION, COUNTY OF MAUI, Report of Findings and Recommendations for Commission Term April 1, 2008 to March 31, 2009".

NO. 09-98 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the Council's recommendations on areas of County operations that the Cost of Government Commission should consider during its 2009-2010 term.

NO. 09-99 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

- 1. **FIRST READING** of bill amending the Fiscal Year 2010 Budget for the County of Maui as it pertains to Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2010, Post-Employment Obligations Fund; and
- 2. **FILING** of communication.

NO. 09-100 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

- 1. **ADOPTION** of resolution accepting dedication of Road Widening Lot 4, along Kauhikoa Road, Haiku, consisting of approximately .085 acre, affecting TMK: (2) 2-7-02:056, pursuant to Section 3.44.015, Maui County Code; and
- 2. **FILING** of communication. (Harriman Subdivision)

H. COMMITTEE REPORTS (continued):NO. 09-101 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Maui County Code by repealing Chapter 16.16 and adding a new Chapter 16.16A, which incorporates the 2006 International Energy Conservation Code and amendments recommended by the State Building Code Council; and
2. **FILING** of communication.

NO. 09-102 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Emmanuel Lutheran Church of Maui for a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District for approximately 25.263 acres abutting Honoapiilani Highway and Waiale Road, south of Kuikahi Drive, Wailuku, Maui, Hawaii, to allow for the development and operation of the Emmanuel Lutheran Church and School;
2. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
3. **FILING** of communication.

NO. 09-103 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.62, Maui County Code, to update the County's Flood Hazard Areas regulations as required by the Federal Emergency Management Agency and to incorporate new flood insurance rate maps, which are available online; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 09-104 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the expenditure of \$2,750,000 from the Affordable Housing Fund for an interest-bearing loan to DBR Development LLC to finance in part the Imi Ikena Affordable Housing Project proposed for 511 Imi Place, Wailuku, Maui;
2. **ADOPTION** of resolution authorizing the expenditure of \$1,200,000 from the Affordable Housing Fund to the Family Life Center, Inc. to purchase the Mokuhau Apartments at 2015 Mokuhau Road, Wailuku, Maui, and maintain the 16 apartments as affordable units in perpetuity;
3. **ADOPTION** of resolution authorizing the expenditure of \$300,000 from the Affordable Housing Fund to Na Hale O Maui to purchase and then resell units to be used for affordable housing in perpetuity; and
4. **ADOPTION** of resolution authorizing the expenditure of \$150,000 from the Affordable Housing Fund to ARC of Maui County for the construction of a new long-term care home in the Maunaloa Village subdivision on Molokai to provide housing for the very low income special needs population.

NO. 09-105 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill repealing Chapter 20.24, Maui County Code, and amending Chapter 14.08, Maui County Code, relating to restrictions on use of potable water for golf courses; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 09-237 - DIRECTOR OF FINANCE, transmitting 108 contracts for July 2009.

NO. 09-238 - DIRECTOR OF FINANCE, transmitting the "COUNTY OF MAUI SUMMARY OF TOTAL FUNDED INDEBTEDNESS OUTSTANDING AND UNPAID AS OF JULY 1, 2009 BASED UPON RECORDS OF THE DIRECTOR OF FINANCE".

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-239 - MAYOR, informing of the following vacancies:
1. *Council on Aging*, due to the resignation of Amy Kastens; and
 2. *Lanai Planning Commission*, due to the resignation of Darlene Endrina.
- NO. 09-240 - COUNCILMEMBER JOHNSON, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO SPECIAL FINANCING BY COMMUNITY FACILITIES DISTRICTS".
- NO. 09-241 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF PLANNING, TOTAL OPERATING APPROPRIATIONS, TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENTS PROJECTS), AND APPENDIX A, COASTAL ZONE MANAGEMENT PROGRAM", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2010".
- NO. 09-242 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3571 (2008) RELATING TO ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI".
- NO. 09-243 - COUNCILMEMBER NISHIKI, relating to a written opinion of the Office of Information Practices concerning sufficiency of notice.
- NO. 09-244 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.18A, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.18B, MAUI COUNTY CODE, PERTAINING TO THE ELECTRICAL CODE".
- NO. 09-245 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.68.110, MAUI COUNTY CODE, PROHIBITING OR REGULATING THE USE OF ROADWAYS BY CERTAIN CLASSES OR KINDS OF TRAFFIC".

1. COUNTY COMMUNICATIONS (continued):

NO. 09-246 - PLANNING DIRECTOR, relating to an application submitted by Western Apartment Supply & Maintenance Co., transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"; and
2. "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO WESTERN APARTMENT SUPPLY & MAINTENANCE CO. FOR THE CONSTRUCTION AND USE OF AN OFFSITE PARKING LOT WITHIN THE COUNTY PARK DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII".

NO. 09-247 - PLANNING DIRECTOR, relating to Resolution No. 08-95 entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL TO ESTABLISH SOLAR ENERGY FACILITIES AS PERMITTED USES IN THE AGRICULTURAL ZONING DISTRICT", and transmitting minutes of the Maui, Molokai and Lanai Planning Commissions and related documents.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 66 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX EXEMPTION FOR KULEANA LAND"

BILL NO. 67 (2009) - "A BILL FOR AN ORDINANCE RELATING TO SHARK TOUR OPERATIONS"

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

BILL NO. 68 (2009) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, PERTAINING TO CROSSWALKS ESTABLISHED"

BILL NO. 69 (2009) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

BILL NO. 70 (2009) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

BILL NO. 71 (2009) - "A BILL FOR AN ORDINANCE ESTABLISHING THE SERVICE BUSINESS RESIDENTIAL DISTRICT"

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.