

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 19, 2010
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

website: <http://www.mauicounty.gov/clerk>
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "CONGRATULATING MAUI RESIDENTS JEREMY HO'OLAKO MILLER, KELLY HA'OLE, AUKAI HU'EU AND KAI HA'OLE FOR THEIR ACTS OF HEROISM AT KE'ANAE, MAUI, HAWAI'I"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

H. COMMITTEE REPORTS:

NO. 10-32 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to the Finance Director's Quarterly Reports and Capital Improvement Project Reports for Fiscal Years 2009 and 2010.

NO. 10-33 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to notification of a potential revenue shortfall of \$13.9 million in Fiscal Year 2010.

NO. 10-34 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the filing of an application with the United States Department of Housing and Urban Development for a grant of \$2,215,000 under the Community Development Block Grant Program.

NO. 10-35 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Karleen Hultquist to the *Affirmative Action Advisory Council*; Rosanna Cabatic, Laurie Herrell, and Judith Neustadter Naone to the *Animal Control Board*; Gary Marshall to the *Board of Code Appeals*; Frank Moe and Michael Westfall to the *Board of Ethics*; Bart Santiago Jr. and Rick Tanner to the *Board of Variances and Appeals*; David Hunkins to the *Civil Service Commission*; Janet Bermejo Barrera, Karen Isberg, and Greg Kaufman to the *Commission on Children and Youth*; Phillip Gagle to the *Commission on Culture and the Arts*; Brenda Del Rosario and Sonia Isotov to the *Commission on Naming Streets, Parks, and Facilities*; Harold Davis, Robert Hill III, Ivan Lay, and Jody Yoshida to the *Cost of Government Commission*; Anthony Fisher and Rhonda Fosbinder to the *Council on Aging*; Gwen Hiraga and Ryan Joslin to the *Fire and Public Safety Commission*; C. Vance Christensen and Ricky Kametani to the *Kula Agricultural Park Committee*; Shelley Barfield and John Ornellas to the *Lanai Planning Commission*; Marilyn Chapman and Ron McOmer to the *Liquor Control Adjudication Board*; Lee Ohigashi and Monica Revells to the *Liquor Control Commission*; Joseph Crugnale and Elsie Santos to the *Maui County Commission on Persons with Disabilities*; Jacey Laborte and Bruce U`u to the *Maui County Cultural Resources Commission*; Lehua Kalua and Richard Nishihara to the *Maui County Grants Review Committee*; Fern Duvall II and Joseph Ritter to the *Maui County Outdoor Lighting Standards Committee*; Joaquin "Jack" Freitas to the *Maui Planning Commission*; Robert Horcajo to the *Maui Redevelopment Agency*; Roger Dixon and Gregg Lundberg to the *Police Commission*; Patrice Matsumoto to the *Real Property Tax Review Board*; Maureen Ross and Agnes Terao-Guiala to the *Salary Commission*; and Linda Jean Berry, Marie Kimmey, Jane Marshall, Bryan Maxwell, and Michael Silva to the *Urban Design Review Board*; and

H. COMMITTEE REPORTS (continued):

2. **NOMINATION** and **APPROVAL** of Norma Barton to the *Cost of Government Commission* and Edward Cashman to the *Hana Advisory Committee*;
3. **DISAPPROVAL** of Clare Apana to the *Commission on Culture and the Arts* and Robert Pure to the *Maui Planning Commission*; and
4. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 10-36 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Ordinance No. 2041 (1991), pertaining to additions and deletions to the original list of exceptional trees adopted in 1991; and
2. **FILING** of communication.

NO. 10-37 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to a draft bill amending Title 16, Maui County Code, to provide exemptions from the Building Code for the construction of lanai enclosures in which no square footage is added to the existing structure.

NO. 10-38 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication from The Traditions, Inc. of two sewerline easements over and across a portion of Lot 11-D-1-A-2-A of Maui Lani (Large Lot) Subdivision No. 5, Wailuku, Maui, Hawaii, to connect to the County's existing new 8-inch sewerline along Kamehameha Avenue; and
2. **FILING** of communication. (Maui Lani Phase 7 Increment 4)

NO. 10-39 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a three-year conditional permit to Frances Feeter, Bill Feeter, and Christine Feeter to operate a transient vacation rental known as "Hale Maluhia" within the RU-0.5 Rural District at 8770 Kamehameha V Highway, Pukoo, Molokai, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 10-40 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a conditional permit, through March 31, 2015, to the Edward D. Thielk Revocable Trust, on behalf of Mana Foods, to allow for the use of eight offsite parking stalls within the County R-1 Residential District at 81 Baldwin Avenue, Paia, Maui, Hawaii; and
2. **FILING** of communication.

NO. 10-41 - PLANNING COMMITTEE:Recommending **ADOPTION** of resolution referring a draft bill to the Lanai, Maui, and Molokai Planning Commissions to amend Title 19, Maui County Code, relating to small wind energy systems.NO. 10-42 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve a time extension to March 19, 2010 for the Council to enact the Countywide Policy Plan; and
2. **SECOND AND FINAL READING** of Bill No. 9 (2010), Draft 1, to amend Chapter 2.80B, Maui County Code, relating to the Countywide Policy Plan.

NO. 10-43 - WATER RESOURCES COMMITTEE:Recommending **FIRST READING** of bill amending Section 14.01.040, Maui County Code, to add a definition for "agricultural consumer" to the County Water Code.I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:NO. 10-54 - DIRECTOR OF FINANCE, transmitting 78 contracts for February 2010.NO. 10-55 - MAYOR, informing of a vacancy on the *Committee on the Status of Women* due to the resignation of Eleanora Cochran.NO. 10-56 - MAYOR, informing of a vacancy on the *Board of Ethnics* due to the resignation of Bob Pure.NO. 10-57 - MAYOR, informing of the appointment of Debra Cabebe to the *Committee on the Status of Women*.

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-58 - MAYOR, informing of the appointment of Maria Ornellas to the *Committee on the Status of Women*.
- NO. 10-59 - COUNCIL CHAIR, transmitting a proposed resolution entitled "SUPPORTING LEGISLATION TO MAINTAIN DISTRIBUTION OF TRANSIENT ACCOMMODATIONS TAX REVENUE TO THE COUNTIES"; and requesting that the following motions be offered:
1. A motion to ADOPT the proposed resolution; and
 2. A motion to FILE this communication.
- NO. 10-60 - COUNCILMEMBER NISHIKI, transmitting a proposed resolution entitled "REQUESTING THAT THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES POSTPONE IMPLEMENTATION OF THE RECREATIONAL RENAISSANCE PLAN FOR MAKENA STATE PARK UNTIL THE MAKENA STATE PARK MASTER PLAN IS COMPLETED"; and requesting that the following motions be offered:
1. A motion to ADOPT the proposed resolution; and
 2. A motion to FILE this communication.
- NO. 10-61 - CHAIR, SALARY COMMISSION, informing the Council of the Salary Commission's decision to maintain the salaries of the department directors and deputy directors at their current levels through the end of Fiscal Year 2011.
- NO. 10-62 - PLANNING DIRECTOR, relating to an application submitted by Nona Lani Cottages, LLC, 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 MULTI-FAMILY TO HOTEL FOR PROPERTY SITUATED AT 455 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII, TAX MAP KEY NO. (2) 3-9-041:001"; and
 2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO THE H-1 HOTEL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 455 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII, TAX MAP KEY NO. (2) 3-9-041:001".
- NO. 10-63 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of January 2010.
- NO. 10-64 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended February 2010.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCE - SECOND AND FINAL READING:

BILL NO. 21 (2010) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, UNIVERSITY OF HAWAII DEVELOPMENT OF THE AGING AND DISABILITY RESOURCE CENTER PROGRAM"

BILL NO. 22 (2010) - "A BILL FOR AN ORDINANCE RELATING TO DISPOSAL OF COUNTY PERSONAL PROPERTY"

BILL NO. 23 (2010) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3001 (2001), TO GRANT A CONDITIONAL PERMIT TO FONG CONSTRUCTION COMPANY, LIMITED, IN ORDER TO OPERATE A COMMERCIAL BASEYARD PRIMARILY FOR BUSINESS WITHIN THE CONSTRUCTION INDUSTRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII"

BILL NO. 24 (2010) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3142 (2003), TO EXTEND A CONDITIONAL PERMIT TO SEABURY HALL TO ALLOW FOR THE CONTINUED USE AND MAINTENANCE 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"

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.