

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

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

OFFICE OF THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

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- A. ROLL CALL
- B. OPENING REMARKS: COUNCILMEMBER SOL P. KAHO`OHALAHALA
- C. PLEDGE OF ALLEGIANCE
- D. TESTIMONY ON CEREMONIAL RESOLUTIONS
- E. CEREMONIAL RESOLUTIONS:
NONE
- F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
- G. MINUTES:
1. Regular Council Meeting of August 6, 2010
 2. Regular Council Meeting of August 24, 2010

H. COMMITTEE REPORTS:NO. 10-111 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2011 Budget for the County of Maui, Revenues – Fees, Rates, Assessments and Taxes for Highway Fund, Charges for Current Services, Public Transit Fares, to provide a \$2.00 daily pass for bus riders requiring multiple boardings on a single day; and
2. **FILING** of communication.

NO. 10-112 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2011 Budget for the County of Maui, Part I, Grant Revenue – Schedule of Grants by Departments and Programs, Department of Parks and Recreation, to add a \$150,000 grant from the State of Hawaii for plan designs, construction, and equipment for a new public-address system and scoreboard at War Memorial Stadium in Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

NO. 10-113 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the purchase of an oceanfront parcel on Lower Waiehu Beach Road, comprising approximately 1.65 acres, in Wailuku, Maui, Hawaii, pursuant to Chapter 3.56, Maui County Code;
2. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2011 Budget for the County of Maui, Special Purpose Revenues, Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund, by adding a proviso that \$81,000 shall be for land acquisition at Waiehu Beach Park in Wailuku, Maui, Hawaii, consisting of 1.65 acres; and
3. **FILING** of communication.

NO. 10-114 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Iris Marie Peelua to the *Commission on Naming Streets, Parks, and Facilities*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

H. COMMITTEE REPORTS (continued):NO. 10-115 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Julio Ramos, et al. v. John E. Bowker, et al.; Civil No. CV09-00145 JMS LEK.

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.

NO. 10-116 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into a five-year intergovernmental agreement with the State Department of Land and Natural Resources to protect Ahihi-Kina`u Natural Area Reserve (NAR) located at Makena, Maui, Hawaii, and to maintain the portion of Makena Road that runs through the NAR; and
2. **FILING** of communication.

NO. 10-117 - PLANNING COMMITTEE:

Recommending **FIRST READING** of bill amending Chapter 16.13, Maui County Code, relating to commercial signs, to amend the definition of "Information sign" to include signage identifying a business establishment's product or service; change quantity and size limits; change the method of determining sign area; establish sign permit procedures; and address the status of nonconforming signs.

NO. 10-118 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving with modification the Kula Ridge Affordable Housing Subdivision Project pursuant to Section 201H-38, Hawaii Revised Statutes;
2. **FILING** of resolution approving the Kula Ridge Affordable Housing Subdivision Project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Kula Ridge Affordable Housing Subdivision Project pursuant to Section 201H-38, Hawaii Revised Statutes.

H. COMMITTEE REPORTS (continued):

NO. 10-119 - WATER RESOURCES COMMITTEE:

Recommending **FIRST READING** of bill amending Sections 14.02.020, 14.02.040 and 14.02.050, Maui County Code, relating to clarifying the procedures for updating the Water Use and Development Plan.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 10-218 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2010.

NO. 10-219 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of September 30, 2010.

NO. 10-220 - MAYOR, informing of a vacancy on the *Maui County Grants Review Committee* due to the resignation of Lehua Kalua.

NO. 10-221 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011, AFFORDABLE HOUSING FUND, FAMILY LIFE CENTER, INC. MOKUHAU APARTMENTS, AND LOKAHI PACIFIC KENOLIO LEILANI SUBDIVISION", and related documents.

NO. 10-222 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 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 POLICE".

NO. 10-223 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, CIVIL DEFENSE AGENCY".

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-224 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; PARK ASSESSMENT FUNDS; WEST MAUI COMMUNITY PLAN AREA, PARKS AND RECREATION, WEST MAUI SKATE PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

- NO. 10-225 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
 - 1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; BOND/LAPSED BOND; WEST MAUI COMMUNITY PLAN AREA, DRAINAGE, LAHAINA WATERSHED FLOOD CONTROL; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
 - 2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3749 BILL NO 37 (2010) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI".

- NO. 10-226 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 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 POLICE".

- NO. 10-227 - MAYOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.52.010, MAUI COUNTY CODE, RELATING TO THE USE OF PRIVATE VEHICLES FOR COUNTY BUSINESS".

- NO. 10-228 - COUNCILMEMBER MEDEIROS, relating to security measures in the Council Chamber.

- NO. 10-229 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.16.320, MAUI COUNTY CODE, PERTAINING TO PARKS AND PLAYGROUNDS, AND AMENDING SECTION 3.44.015, MAUI COUNTY CODE, PERTAINING TO ACQUISITION OF REAL PROPERTY".

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-230 - COUNCILMEMBER PONTANILLA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, TO PROHIBIT MOPEDS ON BICYCLE PATHS".
- NO. 10-231 - VICE CHAIR MOLINA, transmitting a report entitled "FINAL REPORT, CENTRAL MAUI LANDFILL, LANDFILL GAS UTILIZATION STUDY AND CONCEPTUAL DESIGN".
- NO. 10-232 - PLANNING DIRECTOR, relating to an application submitted by Hale Hui Kai Association of Apartment Owners, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR TAX MAP KEY NUMBER (2) 3-9-004:025, KIHEI, MAUI, HAWAII", and related documents.
- NO. 10-233 - PLANNING DIRECTOR, relating to an application submitted by Seabury Hall, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING SEABURY HALL A CONDITIONAL PERMIT TO ALLOW CONSTRUCTION OF A CREATIVE ARTS FACILITY AND GRASSED PARKING LOT WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TMK: (2) 2-4-008:001 (POR.), MAKAWAO, MAUI, HAWAII", and related documents.
- NO. 10-234 - VICE CHAIR MOLINA, transmitting the following:
1. A draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION DRAFT BILLS TO, RESPECTIVELY, ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL";
 2. A draft bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM HEAVY INDUSTRIAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL"; and
 3. A draft bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT, TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT 297 BALDWIN AVENUE, PAIA, MAUI, HAWAII, FOR THE PROPOSED HERITAGE HALL".
- NO. 10-235 - COUNCILMEMBER VICTORINO, relating to the ordinance regarding roadside vendors and signage restrictions.

1. COUNTY COMMUNICATIONS (continued):

NO. 10-236 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of August 2010.

NO. 10-237 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended September 2010.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 68 (2010) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (ARRA); AND DEPARTMENT OF THE PROSECUTING ATTORNEY, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (ARRA)"

BILL NO. 69 (2010) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; KIHEI-MAKENA COMMUNITY PLAN AREA, PARKS AND RECREATION, SOUTH MAUI COMMUNITY PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 70 (2010) - "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI"

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

BILL NO. 71 (2010) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH "

BILL NO. 72 (2010) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF HOUSING AND HUMAN CONCERNS, TOTAL OPERATING APPROPRIATIONS, TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS); AND APPENDIX A AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011; AFFORDABLE HOUSING FUND, ESTIMATED BALANCE AS OF 6/30/10, AND WAIEHU MAUKA RENTAL HOUSING PROJECT – LOKAHI PACIFIC"

BILL NO. 73 (2010) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT FOR THE MAUI COUNTY DEPARTMENT OF POLICE TO PARTICIPATE IN THE NATIONAL CRIME INFORMATION CENTER PROTECTION ORDER FILE"

BILL NO. 74 (2010) - "A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-6-004:007 (POR.), WAILUKU, 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.