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**COUNCIL OF THE COUNTY OF MAUI**

2010 NOV -1 PM 3:14

**A G E N D A**

Regular Meeting of November 9, 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](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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 BILL KAUAKEA MEDEIROS

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING MAUI BRAVES, MAUI MONARCHS, AND PONO ACES FOR WINNING THEIR DIVISIONS AT THE 35<sup>TH</sup> ANNUAL STATE SENIOR SOFTBALL TOURNAMENT"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Council Meeting of September 3, 2010

H. COMMITTEE REPORTS:NO. 10-120 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of the following proposals, with their corresponding justification sheets, for inclusion in the 2011 Maui County Legislative Package:
  - a. a draft State bill to require that candidates for elective County office include with their nomination papers a sworn certification that the candidate has complied with provisions of the relevant county charter and ordinances pertaining to elected officials, or the nomination papers shall be void and not accepted for filing by the county clerk;
  - b. a draft State bill to establish a tax credit for the rehabilitation of historic structures;
  - c. a draft State bill to prohibit the development, testing, propagation, release, importation, planting, or growing of genetically modified taro; and
  - d. a draft State bill to improve the regulation of aquarium aquatic life collecting to protect aquatic life and the marine environment.
2. **TRANSMITTAL** of copy of committee report to the Mayor of the County of Maui.

NO. 10-121 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Sheri Gail Durham, et al. v. County of Maui, et al.; Civil No. CV08-00342 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, 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.*

H. COMMITTEE REPORTS (continued):NO. 10-122 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to indemnify Charmaine Tavares, Mayor; Roy Silva, Executive Assistant to Mayor Tavares; Mahina Martin, County Community Relations and Communications Director; Jeffrey K. Eng, Director, Department of Water Supply; and Clayton Yoshida, Administrator, Department of Planning, in Molokai Veterans Caring for Veterans, et al. v. County of Maui, et al.; Civil No. CV10-00538 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, 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. 10-123 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of a park (Lot 22-A) in the Kulamalu Subdivision, Kohoilo, Kula, Maui, consisting of approximately 9.231 acres (TMK: (2) 2-3-66:022); and approving the waiver of the requirement to provide parking areas, pursuant to Section 18.16.320, Maui County Code; and
2. **FILING** of communication.

NO. 10-124 - LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication from WV Sub, LLC of pedestrian and vehicular access easements at the Whalers Village Commercial Center (TMK: (2) 4-4-08:001);
2. **ADOPTION** of resolution accepting the dedication of Campbell Hawaii Investor LLC of a pedestrian and vehicular access easement at the Westin Maui Resort & Spa Kaanapali (TMK: (2) 4-4-08:019); and
3. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 10-125 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a Conditional Permit time extension, until March 31, 2016, and an amendment to the permit holders, for the continued operation of a transient vacation rental known as Hale Alana, situated at 3378 Kaha Drive, Kihei, Maui, Hawaii; and
2. **FILING** of communication.

NO. 10-126 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution approving the order of the first four community plans for the 2030 General Plan Update in the order of Molokai, Lanai, Hana, and West Maui (with the order of the five remaining community plans to be determined later).

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 10-238 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the State of Hawaii, Department of the Attorney General for the Career Criminal Prosecution Program and Victim Witness Assistance Program.
- NO. 10-239 - DIRECTOR OF FINANCE, transmitting 36 contracts/grants for September 2010.
- NO. 10-240 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended September 30, 2010.
- NO. 10-241 - DIRECTOR OF FINANCE, transmitting a report on settlement of claims as of September 30, 2010.
- NO. 10-242 - MAYOR, informing of a vacancy on the *Traffic Safety Council* due to the resignation of Fred Rohlfing.
- NO. 10-243 - DIRECTOR OF WATER SUPPLY reporting on waterline easement conveyances for the second quarter of Fiscal Year 2011.

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-244 - COUNCILMEMBER BAISA, transmitting a proposed resolution entitled "SUPPORTING A PARTNERSHIP BETWEEN THE STATE OF HAWAII AND THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER TO ADVANCE JUSTICE REINVESTMENT IN HAWAII"; 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. 10-245 - 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 PLANNING".
- NO. 10-246 - 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 DEPARTMENT OF FINANCE, DEPARTMENT OF FIRE AND PUBLIC SAFETY, AND PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011".
- NO. 10-247 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLES 2 AND 3, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX REVIEW BOARDS".
- NO. 10-248 - PROSECUTING ATTORNEY, transmitting a copy of the Memorandum of Agreement between the Maui County Police Department and the Maui County Department of the Prosecuting Attorney for the Community Violence Prevention Program.
- NO. 10-249 - CHAIR, SALARY COMMISSION, informing that the Salary Commission approved the salary increases for the Chief of Police and Deputy Chief of Police.
- NO. 10-250 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY FOR THE SOUTH MAUI WATERSHED SECTION 22 STUDY".
- NO. 10-251 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A DONATION OF ITEMS FROM THE SUN YAT-SEN FOUNDATION FOR PEACE & EDUCATION TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

1. COUNTY COMMUNICATIONS (continued):

NO. 10-252 - PLANNING DIRECTOR, transmitting the Planning Permitting Streamlining Package, including planning commission minutes, related documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.32, MAUI COUNTY CODE, RELATING TO PLANNED DEVELOPMENT";
2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36A, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING";
3. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.40, MAUI COUNTY CODE, RELATING TO CONDITIONAL PERMITS"; and
4. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.45, MAUI COUNTY CODE, RELATING TO PROJECT DISTRICT PROCESSING REGULATIONS".

NO. 10-253 - COUNCILMEMBER JOHNSON, transmitting Resolution No. 03-189, entitled "REFERRING A PROPOSED BILL PERTAINING TO THE TRANSFER OF DEVELOPMENT RIGHTS TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS".

NO. 10-254 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of September 2010.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 75 (2010) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR HIGHWAY FUND, CHARGES FOR CURRENT SERVICES, PUBLIC TRANSIT FARES"

BILL NO. 76 (2010) - "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 PARKS AND RECREATION, STATE OF HAWAII"

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

BILL NO. 77 (2010) - "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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, SCENIC VIEWS PRESERVATION FUND"

BILL NO. 78 (2010) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, FOR MAINTENANCE OF MAKENA ROAD AND AHIHI-KINA'U NATURAL AREA RESERVE LOCATED AT MAKENA, MAUI, HAWAII"

BILL NO. 79 (2010) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS"

BILL NO. 80 (2010) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.02.020, 14.02.040 AND 14.02.050, MAUI COUNTY CODE, RELATING TO WATER USE AND DEVELOPMENT PLAN UPDATES"

BILL NO. 81 (2010) - "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"

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.**