

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of August 5, 2011
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

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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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 MICHAEL B. WHITE
- C. PLEDGE OF ALLEGIANCE
- D. TESTIMONY ON CEREMONIAL RESOLUTIONS
- E. CEREMONIAL RESOLUTIONS:
- NO. _____ - "CONGRATULATING MATTHEW ERICKSON FOR BEING NAMED A
2011 ALUMNI AWARD WINNER BY THE NATIONAL ACADEMY FOUNDATION"
- F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of May 24, 2011

Regular Meeting of June 7, 2011

H. COMMITTEE REPORTS:NO. 11-72 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 10.52, Maui County Code, to prohibit mopeds on the North Shore Bikeway and the Kihei Greenway bicycle paths as restricted by signs; and
2. **FILING** of communication.

NO. 11-73 - LAND USE COMMITTEE:

Recommending **ADOPTION** of a resolution to refer a draft bill to grant a request from Pine State Limited for a District Boundary Amendment, changing the State Land Use District Classification from Agricultural to Rural for a two-lot subdivision on approximately 1.395 acres located at Makena-Keoneoio Road, Makena, Maui, Hawaii (TMK: (2) 2-1-05:117), to the Maui Planning Commission for review and recommendation.

NO. 11-74 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to the quarterly compliance report for property situated at Manele, Lanai, Hawaii (The Terraces at Manele).

NO. 11-75 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing three new Rural Zoning Districts (RU-2 district, RU-5 district, and RU-10 district) with minimum lot sizes of two acres, five acres, and ten acres, respectively; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 11-76 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of the following members to the boards, committees, and commissions for the County of Maui for terms expiring as indicated:

- A. HANA ADVISORY COMMITTEE
 - 1. Scott Paul Crawford (replacing Tina Kahula), for a term expiring on March 31, 2013; and
- B. MAUI COUNTY COMMISSION ON PERSON WITH DISABILITIES
 - 1. Mikey Katsuto Tomita (replacing Charlotte Seales), for a term expiring on March 31, 2012.

NO. 11-77 - POLICY COMMITTEE:

Recommending the following:

- 1. **FIRST READING** of bill authorizing the Mayor to enter into a Memorandum of Agreement between the State Department of Defense, the State Department of Accounting and General Services, and the County, to coordinate the implementation of a Hawaii State Emergency Outdoor Siren Warning System throughout the County; and
- 2. **FILING** of communication.

NO. 11-78 - WATER RESOURCES COMMITTEE:

Recommending the following:

- 1. **FIRST READING** of bill to authorize the Department of Water Supply to collect fees in order to offset costs associated with necessary water system improvements and establish appropriate accounting mechanisms; and
- 2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 11-202 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in Federal Forfeiture Funds in their Employee Development Program for training and related expenses.

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-203 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended June 30, 2011.
- NO. 11-204 - MAYOR, informing of a vacancy on the *Commission on Culture and the Arts* due to the resignation of Craig Gardner.
- NO. 11-205 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, ARTICLE XII, MAUI COUNTY CODE, BY REPEALING SECTION 3.48.780, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER CREDIT, AND ESTABLISHING A NEW ARTICLE XIII, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER CREDIT".
- NO. 11-206 - COUNCILMEMBER BAISA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.18B.109, MAUI COUNTY CODE, PERTAINING TO ELECTRIC VEHICLE METER INSTALLATION".
- NO. 11-207 - COUNCILMEMBER WHITE, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING FOR PROPERTY SITUATED AT 1550 KOKOMO ROAD, HAIKU, MAUI, HAWAII, FOR THE MAKAWAO CONGREGATION OF JEHOVAH'S WITNESSES INC.".
- NO. 11-208 - COUNCIL CHAIR, transmitting the following proposed resolutions for inclusion in the 2012 Hawaii State Association of Counties Legislative Package:
1. "APPROVING FOR INCLUSION IN THE 2012 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL PROVIDING THE COUNTIES WITH A PERCENTAGE OF FINES FOR UNCONTESTED TRAFFIC INFRACTIONS";
 2. "APPROVING FOR INCLUSION IN THE 2012 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL INCREASING THE TIME FOR REVIEW OF AFFORDABLE HOUSING PROJECTS SUBMITTED PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES"; and
 3. "APPROVING FOR INCLUSION IN THE 2012 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL REQUIRING THE LABELING OF GENETICALLY ENGINEERED FOOD PRODUCTS".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 39 (2011) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO THE ESTABLISHMENT OF A CROSSWALK ON A PORTION OF KANANI ROAD IN KIHEI"

BILL NO. 40 (2011) - "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"

BILL NO. 41 (2011) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO 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"

BILL NO. 42 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGARDING THE LAHAINA WASTEWATER RECLAMATION FACILITY"

L. UNFINISHED BUSINESS:ORDINANCE - SECOND AND FINAL READING:

BILL NO. 12 (2011) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS"

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.

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.