

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of August 23, 2011

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER GLADYS C. BAISA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE MAUI PREPARATORY ACADEMY SCIENCE OLYMPIAD TEAM FOR WINNING THE SEVENTH ANNUAL STATEWIDE SCIENCE OLYMPIAD TOURNAMENT"

NO. _____ - "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE RICHARD I. C. 'PABLO' CALDITO, SR."

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of June 17, 2011
 Regular Meeting of July 1, 2011

H. COMMITTEE REPORTS:NO. 11-79 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to the following: the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2010; the Independent Auditor's Report of the Department of Water Supply's Financial Statements and Supplemental Schedules for the years ended June 30, 2010 and June 30, 2009; and the Single Audit Reports for the Fiscal Year ended June 30, 2010.

NO. 11-80 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to proposed bill to amend the Fiscal Year 2012 Budget, Appendix A, Grant Revenue – Schedule of Grants for the Department of Environmental Management, by adding a \$48,000 appropriation for the Used Motor Oil Collection Program.

NO. 11-81 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize a lease to Maui Economic Opportunity, Inc., through June 30, 2026, for a portion of the Makawao Head Start and Youth Center Building at the Eddie Tam Memorial Center, consisting of approximately 7,572 square feet and shared common areas, located at TMK: (2) 2-4-06:005 (portion), Makawao, Maui, for \$100 per year; and
2. **FILING** of communication.

NO. 11-82 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize a lease to Boys & Girls Clubs of Maui, Inc., through June 30, 2046, for a portion of the Makawao Head Start and Youth Center Building at the Eddie Tam Memorial Center, consisting of approximately 9,703 square feet and shared common areas, located at TMK: (2) 2-4-06:005 (portion), Makawao, Maui, for \$100 per year; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 11-83 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize a lease to Maui Nui Botanical Gardens Inc., through June 30, 2026, for a portion of the Keopuolani Regional Park known as the Maui Nui Botanical Gardens, consisting of approximately 6.367 acres, located at TMK: (2) 3-8-07:001 (portion), Kahului, Maui, for \$100 per year; and
2. **FILING** of communication.

NO. 11-84 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to establish an economic development revolving fund to provide funds for economic development programs in the County; and
2. **FILING** of communication.

NO. 11-85 - LAND USE COMMITTEE:

Recommending **FILING** of the three communications relating to three requests from Maui Blue, LLC for a Conditional Permit to operate:

1. the Sandy Surf transient vacation rental ("TVR") on approximately 22,902 square feet within the R-3 Residential District at 3244 South Kihei Road, Kihei, Maui, Hawaii;
2. the Plumeria Surf TVR on approximately 23,958 square feet within the R-3 Residential District at 3254 South Kihei Road, Kihei, Maui, Hawaii; and
3. the Mango Surf TVR on approximately 18,056 square feet within the R-3 Residential District at 1490 Halama Street, Kihei, Maui, Hawaii.

NO. 11-86 - LAND USE COMMITTEE:

Recommending **FILING** of communication relating to a Council-initiated proposal to amend the Molokai Community Plan and Land Use Map from Conservation to Park on approximately 25 acres of land owned by the State of Hawaii, at Hale O Lono Harbor, Maunaloa, Molokai, Hawaii (TMK: (2) 5-1-02:012).

H. COMMITTEE REPORTS (continued):

NO. 11-87 - LAND USE COMMITTEE:

Recommending **ADOPTION** of a resolution to refer a draft bill to grant a request from `Iwa `Ike, LLC for a District Boundary Amendment, changing the State Land Use District Classification from Agricultural to Rural to allow for subdivision into four rural residential lots on approximately 2.79 acres, located at Makena-Keoneoio Road, Makena, Maui, Hawaii (TMK: (2) 2-1-05:118), to the Maui Planning Commission for review and recommendation.

NO. 11-88 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Troy and Susan McCasland for a Conditional Permit to continue to operate a transient vacation rental on approximately 11,060 square feet within the R-2 Residential District at 451 Ilikahi Street, Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

NO. 11-89 - POLICY COMMITTEE:

Recommending **FILING** of communication informing the Council that Councilmember Mike White is recommended as an ex-officio member on the Workforce Investment Board.

NO. 11-90 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Joelle Aoki (replacing Roberto Hera) to the Lanai Planning Commission, for a term expiring on March 31, 2016.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 11-209 - CHIEF OF POLICE, informing of the receipt of a 2005 Toyota Tacoma Crew Pickup Truck from the State Department of the Attorney General.

NO. 11-210 - PROSECUTING ATTORNEY, informing of the Department of the Prosecuting Attorney's intent to expend \$48,914.33 in State Asset Forfeiture Funds for training, computers and equipment.

NO. 11-211 - MAYOR, informing of a vacancy on the *Animal Control Board* due to the resignation of Rosanna Cabatic.

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-212 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended July 2011.
- NO. 11-213 - BUDGET AND FINANCE COMMITTEE CHAIR PONTANILLA, relating to a correspondence dated August 8, 2011, from the Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 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" and informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Budget and Finance Committee from further consideration of a correspondence dated August 8, 2011, from the Budget Director, as it pertains to this bill;
 2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
 3. A motion to PASS ON FIRST READING AND ORDER TO PRINT the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 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"; and
 4. A motion to FILE this communication.
- NO. 11-214 - COUNCILMEMBER WHITE, proposing amendments to the draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, PERTAINING TO THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT REVOLVING FUND", attached to Economic Development, Agriculture, and Recreation Committee Report No. 11-84.
- NO. 11-215 - BUDGET DIRECTOR, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF DONATION OF \$1,457.16 FROM THE U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION THROUGH THE MAUI FAMILY YMCA TO THE COUNTY OF MAUI, OFFICE OF THE MAYOR, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 11-216 - BUDGET DIRECTOR, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS, KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES".

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-217 - COUNCIL VICE-CHAIR PONTANILLA, transmitting Grant No. G2607-3 awarded to Tri-Isle Resource Conservation and Development Council, Inc. pertaining to the Lanai Recycling Center project for the Department of Environmental Management, Solid Waste Division.
- NO. 11-218 - BUDGET DIRECTOR, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF DONATION OF \$1,000.00 FROM NIPPON CLUB TO THE COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 11-219 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, AND AMENDING CHAPTER 19.31, MAUI COUNTY CODE, RELATING TO PUBLIC/QUASI-PUBLIC DISTRICTS"; a memorandum dated January 25, 2011; and minutes of the Maui, Molokai and Lanai Planning Commissions.
- NO. 11-220 - COUNCIL CHAIR MATEO, transmitting a letter from Isaac Hall, regarding Makena Resort's failure to comply with Condition No. 32 of Ordinance No. 3613.
- NO. 11-221 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION FROM THE U.S. MARSHALL SERVICE TO THE DEPARTMENT OF POLICE, COUNTY MAUI, PURSUANT TO SECTION 13-8, REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AND CHAPTER 3.56, THE MAUI COUNTY CODE".
- NO. 11-222 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE AND THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW AND STRENGTHEN THE STATE BOATING LAW AND RELATED ADMINISTRATIVE RULES".
- NO. 11-223 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.01.050, MAUI COUNTY CODE, RELATING TO THE USE OF WATER FROM HAMAKUAPOKO WELLS".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 43 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, TO PROHIBIT MOPEDS ON BICYCLE PATHS"
- BILL NO. 44 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, PERTAINING TO RURAL DISTRICTS"
- BILL NO. 45 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR GRANTING OF LICENSES FOR ACCESS, INSTALLATION AND MAINTENANCE OF SIRENS OF THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM AS PART OF THE HAWAII EMERGENCY ALERT SYSTEM"
- BILL NO. 46 (2011) - "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO WATER SYSTEM DEVELOPMENT FEES"

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.