

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of July 6, 2012
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 JONATHAN YOU, MAKENA DERBY, AND SHYANNE SHELDON, HAWAII STATE GYMNASTICS CHAMPIONS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of April 25, 2012
Public Hearing of May 3, 2012
Regular Meeting of May 8, 2012
Regular Meeting of May 18, 2012
Public Hearing of May 23, 2012

H. COMMITTEE REPORTS:NO. 12-60 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 3.48.670, Maui County Code, relating to the payment of interest on real property taxes refunded to a taxpayer when the taxpayer receives a favorable final determination from the tax appeal court; and
2. **FILING** of communication.

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. 12-61 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the issuance of an Encroachment Agreement and License to the Maui Full Gospel Korean Church for an existing boundary wall located on a portion of Keopuolani Regional Park, Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

NO. 12-62 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing an amendment to the License Agreement with KemperSports Marketing, Inc. (now known as KemperLesnik Communications, Inc.) for the Maui Invitational Basketball Tournament, pursuant to Section 13.04.130(B), Maui County Code; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-63 - GENERAL PLAN COMMITTEE:

Recommending **ADOPTION** of resolution approving the time extension to December 31, 2012 for the Council to enact the Maui Island Plan.

NO. 12-64 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance 3760, relating to Title 18, Subdivision General Provisions, to remove the two-year sunset provision and allow the Ordinance to remain in effect, rather than expire on August 12, 2012;
2. **FIRST READING** of bill amending Subsection 18.04.030(C), Maui County Code, to provide that only one interim-zoned large lot shall be permitted from each interim-zoned area in a parcel; and
3. **FILING** of communication.

NO. 12-65 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 14.25A.130, Maui County Code, to allow the Director of Environmental Management the discretion to modify or eliminate the requirement for a property sewer service manhole; and
2. **FILING** of communication.

NO. 12-66 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Ameron Hawaii for a ten-year Conditional Permit to allow for the continued operation of a concrete batching plant on approximately 1.66 acres within the County Agricultural District, for property situated off Honoapiilani Highway, adjacent to the Lahaina Wastewater Reclamation Facility, Lahaina, Maui, Hawaii (TMK: (2) 4-4-001:108 (por.) and (2) 4-4-003:001 (por.)); and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-67 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Don Fujimoto to the Maui Redevelopment Agency, for a term expiring on March 31, 2017.

NO. 12-68 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Cyrus Kodani to the Board of Water Supply, for a term expiring on March 31, 2013.

NO. 12-69 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Grace Shimabuku to the Salary Commission, for a term expiring on March 31, 2014; and
2. **ADOPTION** of resolution approving the appointment of Autumn Arase to the Council on Aging, for a term expiring on March 31, 2016.

NO. 12-70 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointments of Douglas Rogers and Michael Jennings to the Molokai Planning Commission, for terms expiring on March 31, 2017.

NO. 12-71 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointments of the following individuals to the Lanai Community Plan Advisory Committee, as authorized by Section 2.80B.080(C), Maui County Code: Jeffrey Baltero, Christine Costales, Deborah dela Cruz, Joseph Felipe, Reynold ("Butch") Gima, Ernest Magaoay, Matthew Mano, Ron McOmer, and Stanley Ruidas.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

H. COMMITTEE REPORTS (continued):NO. 12-72 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim of Shannon Ferreira, Claim 2012-002.

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), Hawaii Revised Statutes, 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.

NO. 12-73 - POLICY COMMITTEE:

Recommending the following:

1. **FILING** of communication, from Council Chair Danny A. Mateo, transmitting a proposed resolution to place on the next general election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended to require Council approval of the Mayor's appointment of the Planning Director; and
2. **FILING** of correspondence dated March 30, 2012, from the Chair of the Policy Committee, transmitting a proposed resolution to place on the next general election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended to require Council approval of the Mayor's appointment of the Managing Director.

NO. 12-74 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of resolution to place on the next general election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended to lengthen the terms of Council members from two to four years, with term limits of three consecutive full (four-year) terms, beginning on January 2, 2015, with terms to be staggered;
2. **FILING** of resolution to place on the next general election ballot the question of whether the Charter should be amended to establish an independent Office of the County Auditor, remove the Cost of Government Commission, and make other clarifications; and
3. **FILING** of resolution to place on the next general election ballot the question of whether the Charter should be amended to establish an independent Office of the County Auditor, provide for the appointment and removal of the Auditor, define the Auditor's duties and powers, remove the Cost of Government Commission, and make other clarifications.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 12-134 - DIRECTOR OF FINANCE, transmitting 50 contracts/grants for April 2012.
- NO. 12-135 - MAYOR, informing of a vacancy on the Lanai Planning Commission due to the resignation of Garrett Hera.
- NO. 12-136 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Walter Baloaloa.
- NO. 12-137 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S JULY 20, 2012 MEETING" and informing of his intention to entertain the following motions:
1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
 2. A motion to ADOPT the proposed resolution; and
 3. A motion to FILE this communication.
- NO. 12-138 - CHAIR, BUDGET AND FINANCE COMMITTEE, proposing amendments to the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX", attached to Budget and Finance Committee Report No. 12-60.
- NO. 12-139 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of May 31, 2012.
- NO. 12-140 - COUNCILMEMBER COCHRAN, transmitting a copy "CENTRAL MAUI PEDESTRIAN & BICYCLE MASTER PLAN FOR 2030".
- NO. 12-141 - COUNCIL CHAIR MATEO, transmitting a letter from Grant Chun, Vice President, Maui, A&B Properties, Inc., submitting the 2012 Annual Compliance Report in accordance with Condition 19 of Ordinance No. 3559, change in zoning from Agricultural, M-2 Heavy Industrial, and R-1 Residential Districts to M-1 Light Industrial District, Conditional zoning, for property situated at Kahului, Maui, Hawaii. (Maui Business Park Phase II Project).

1. COUNTY COMMUNICATIONS (continued):

NO. 12-142 - PLANNING DIRECTOR, transmitting Resolution No. 11-137 entitled, "REFERRING TO THE LANAI PLANNING COMMISSION THE LANAI CITY COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES AND STANDARDS 2011"; summary comments, recommendations and minutes of the Urban Design Review Board, Lanai Planning Commission, and Cultural Resources Commission; and comments from the Lanai community.

NO. 12-143 - COUNCILMEMBER BAISA, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF THE GENERAL PLAN".

NO. 12-144 - COUNCIL VICE-CHAIR PONTANILLA, relating to the 2013 Hawaii State Association of Counties Legislative Package.

NO. 12-145 - COUNTY CLERK, transmitting a copy of the "2011-2012 MAUI COUNTY CHARTER COMMISSION REVISED FINAL REPORT TO THE COUNTY CLERK, JUNE 25, 2012".

NO. 12-146 - DIRECTOR OF WATER SUPPLY, informing the Council that the implementation of the new billing system for the Department of Water Supply has been delayed indefinitely.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

NONE.

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.