

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of September 7, 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

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CLERK OF THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING LOPAKA MATTOS FOR BEING NAMED THE 2012 BOYS AND GIRLS CLUB OF HAWAII 'YOUTH OF THE YEAR'"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of August 21, 2012

H. COMMITTEE REPORTS:NO. 12-92 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by adding a \$10,000 grant revenue appropriation to the Department of Fire and Public Safety for the "United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) Program – Fire Prevention and Safety Grants"; and
2. **FILING** of communication.

NO. 12-93 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prohibit the consumption of intoxicating liquor while within the boundaries of any County park or recreational facility located within a 1,500-foot radius of a youth center; and
2. **FILING** of communication.

NO. 12-94 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept an offer from John Deininger to donate two maxi flex diving boards for use at the Kihei Aquatic Center; and
2. **FILING** of communication.

NO. 12-95 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to update and simplify the M-1 Light Industrial District ordinance to (1) clarify that dwelling units located above or below the first floor of a building and apartments are permitted residential uses; (2) establish "Production facility, multimedia" as a permitted use and define the term in Title 19; (3) establish other permitted uses, accessory uses and structures, and development standards; and (4) provide for the Planning Director's rule-making authority; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-96 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to update Chapter 19.26, Maui County Code, relating to the M-2 Heavy Industrial District to (1) include material recycling and recovery facilities and major utility facilities as permitted uses; (2) establish new sections for accessory uses and structures, special uses, and development standards; and (3) provide for the Planning Director's rule-making authority; and
2. **FILING** of communication.

NO. 12-97 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Title 19, Maui County Code, to establish a new M-3 Restricted Industrial District that would allow manufacturing and nuisance industries with noxious uses, including the manufacturing, processing, storage, or treatment of goods from raw materials; and
2. **FILING** of communication.

NO. 12-98 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to (1) adopt the Maui Island Plan by ordinance within one year after receipt by the Council, except for the implementation program; (2) adopt the implementation program no later than one year after the adoption of the other components of the Maui Island Plan; and (3) disband the Maui General Plan Advisory Committee upon the adoption of the Maui Island Plan, including the implementation program; and
2. **FILING** of communication.

NO. 12-99 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointments of Lilah Inaba and Lois Prey to the Board of Ethics, for terms expiring on March 31, 2015, and March 31, 2016, respectively.

NO. 12-100 - WATER RESOURCES COMMITTEE:

Recommending **FIRST READING** of bill to amend Section 14.03.020, Maui County Code, to extend the Council's deadline for enactment of a water conservation plan to August 30, 2013.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 12-182 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of July 31, 2012.
- NO. 12-183 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$25,000 in Federal and State Forfeiture Funds for their Employee Development Program to be used to fund training and related expenses.
- NO. 12-184 - CHIEF OF POLICE, informing of the receipt of \$10,713.00 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 12-185 - COUNCIL CHAIR MATEO, relating to the Fiscal Year 2012 Financial Audits.
- NO. 12-186 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a draft copy of the ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2012 (JULY 1, 2012 THROUGH JUNE 30, 2013).
- NO. 12-187 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled, "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL AMENDING SECTION 19.65.030, MAUI COUNTY CODE, RELATING TO THE ALLOWABLE NUMBER OF SHORT-TERM RENTAL HOMES IN THE KIHEI-MAKENA COMMUNITY PLAN AREA".
- NO. 12-188 - COUNCIL CHAIR MATEO, transmitting a letter from Sharon Suzuki, President, Maui Electric Company, Ltd., submitting the "TWELFTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 66 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 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 HOUSING AND HUMAN CONCERNS"

BILL NO. 67 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS PROGRAM"

BILL NO. 68 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 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 WATER SUPPLY"

BILL NO. 69 (2012) - "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 CENTRAL MAUI LANDFILL"

L. UNFINISHED BUSINESS:

COMMITTEE REPORT:

NO. 12-90 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a lease, until June 30, 2026, to the Veterans of Foreign Wars of the United States Wilbert Wah Hutom Post 3850, of approximately 0.398 acre of State-owned land located at 1136 Uluniu Road, Kihei, Maui, Hawaii, and approximately 1.880 acres of State-owned land adjacent thereto, for veterans center and community support activities purposes; and
2. **FILING** of communication.

L. UNFINISHED BUSINESS (continued):ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 63 (2012) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT 1550 KOKOMO ROAD, HAIKU, MAUI, HAWAII, FOR THE MAKAWAO CONGREGATION OF JEHOVAH'S WITNESSES INC."
- BILL NO. 64 (2012) - "A BILL FOR AN ORDINANCE 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."

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.