

# **COUNCIL OF THE COUNTY OF MAUI**

## **A G E N D A**

Regular Meeting of January 11, 2008  
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@co.maui.hi.us](mailto:county.clerk@co.maui.hi.us)

---

### **ORAL OR WRITTEN TESTIMONY**

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. The Council shall receive oral testimony first from persons whose testimony forms are submitted prior to the convening of the meeting. Initially, three (3) minutes will be granted on each item, and at the discretion of the Council Chair, an additional minute may be granted to conclude the testimony; or an additional three (3) minutes on each item will be granted to those who are unable to conclude their testimony, after all others desiring to speak have been heard.

Thereafter, persons whose testimony forms are submitted after the meeting convenes, but before the testimony portion ends, will be allowed to present oral testimony for three minutes on each item. The Chair may grant an additional minute to conclude the testimony.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), please submit at least 24 hours before the meeting so that copies can be provided to Council Members in a timely manner.

- 
- A. ROLL CALL
  - B. OPENING REMARKS: COUNCIL CHAIR HOKAMA
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTION
  - E. CEREMONIAL RESOLUTIONS:

None

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

None

H. COMMITTEE REPORTS:NO. 08-1 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2008 Budget for the County of Maui as it pertains to the Civil Defense Agency; and
2. **FILING** of communication. (FY 2007 Citizen Corps Program; FY 2007 Law Enforcement Terrorism Prevention Program; and FY 2007 State Homeland Security Grant Program)

NO. 08-2 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2008 Budget for the County of Maui as it relates to the Management Program, Department of Management, and the Administration Program, Office of the Mayor; and
2. **FILING** of communication. (Countywide Capital Improvement Projects (CIP) Coordinator position)

NO. 08-3 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2008 Budget for the County of Maui as it pertains to the Department of Finance and the Commercial Driver License Program; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-4 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution establishing the standing committees of the Council, defining their duties, and appointing their members;
2. **ADOPTION** of resolution amending the Rules of the Council relating to Committees; and
3. **FILING** of communication.

NO. 08-5 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Asghar R. Sadri v. Maui Planning Commission, Civil No. 04-1-0366(2); Asghar R. Sadri v. Kurt Ulmer, et al., Civil No. CV06-00430 ACK KSC; and Asghar R. Sadri v. James H. Apana, et al., Civil No. CV07-00109 SOM BMK.

*With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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. 08-6 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 3299 (2005), to grant an extension of a Conditional Permit, until December 19, 2011, to Valerie Lewis Okamura to allow for the operation of Maui By The Sea, a transient vacation rental within the R-1 Residential District, for property situated at 523 Hana Highway, Kuau, Paia, Maui, Hawaii (TMK: (2) 2-6-09:008); and
2. **FILING** of communication.

NO. 08-7 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Haleakala Ranch Company, a five-year Conditional Permit to construct and operate the Haleakala Ranch Visitor's Center, on approximately 14.057 acres within the County Agricultural District, for property situated at 18303 Haleakala Highway, Kula, Maui, Hawaii (TMK: (2) 2-3-05:004 (por.)); and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-8 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Paia-Haiku Community Plan and Land Use Map from Single-Family to Business/Commercial for property situated at Paia, Maui, Hawaii (TMK: (2) 2-6-05:004 (por.), (2) 2-6-05:109, and (2) 2-6-05:025);
2. **FIRST READING** of bill to change the zoning from Interim District to B-CT Country Town Business District (Conditional Zoning) for property situated at Paia, Maui, Hawaii (TMK: (2) 2-6-05:004 (por.), (2) 2-6-05:109, and (2) 2-6-05:025);
3. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
4. **FILING** of communication. (Grace Condos, on behalf of 120 Hanna Hwy., LLC)

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 08-1 - DIRECTOR OF FINANCE, transmitting a report on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of November 30, 2007.

NO. 08-2 - MAYOR, informing of a vacancy on the Real Property Tax Review Board due to the resignation of Michael Blaz.

NO. 08-3 - COUNCIL CHAIR, transmitting a proposed resolution entitled "URGING THE CREATION OF A JAPANESE AMERICAN WORLD WAR II VETERANS COMMEMORATIVE STAMP"; and informing that the following motions will be entertained:

1. A motion for the ADOPTION of the proposed resolution; and
2. A motion for the FILING of this communication.

NO. 08-4 - MAYOR, relating to the matter of funding sources as it pertains to the settlement of litigation claims regarding Montana Beach Condominium, Paia, Hawaii.

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-5 - COUNCIL CHAIR, transmitting a letter from the President of Maui Nonprofit Directors offering to do a power-point presentation entitled "Nonprofits in Maui County".
- NO. 08-6 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF WATER SUPPLY".
- NO. 08-7 - ECONOMIC DEVELOPMENT COORDINATOR, transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH FUKUYAMA CITY, HIROSHIMA PREFECTURE, JAPAN".
- NO. 08-8 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII TO A&B PROPERTIES, INC. FOR UNDERGROUND SEWER LINE PURPOSES".
- NO. 08-9 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended December 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 81 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.48, MAUI COUNTY CODE, PERTAINING TO STOPPING, STANDING AND PARKING ON ULUMAU PLACE, PAIA"

BILL NO. 82 (2007) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM RURAL TO URBAN FOR PROPERTY SITUATED AT PAPAANUI, HONUULA, MAKAWAO, MAUI, HAWAII"

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

BILL NO. 83 (2007) - "A BILL FOR AN ORDINANCE TO ESTABLISH R-3 RESIDENTIAL DISTRICT ZONING FOR PROPERTY SITUATED AT PAPAANUI, HONUULA, MAKAWAO, MAUI, HAWAII"

BILL NO. 84 (2007) - "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL AND SPECIAL EVENTS WITHIN THE R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT PAPAANUI, HONUULA, MAKAWAO, MAUI, HAWAII"

BILL NO. 85 (2007) - "A BILL FOR AN ORDINANCE GRANTING KATHLEEN GILDRED AND SEAN BRUNWIN A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL BUSINESS WITHIN THE COUNTY RURAL DISTRICT, FOR PROPERTY SITUATED AT 3378 KEHA DRIVE, KIHEI, MAUI, HAWAII"

L. UNFINISHED BUSINESS:COMMITTEE REPORTS:NO. 07-155 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.29, Maui County Code, to establish development standards for the County Rural zoning district; and
2. **FILING** of communication.

NO. 07-156 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapters 19.04 and 19.36, Maui County Code, to establish new definitions and parking standards for residential mixed use developments, which combine commercial uses with residential uses within a single project in the Village Mixed Use District; and
2. **FILING** of communication.

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.**