

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of February 8, 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

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.

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- A. ROLL CALL
 - B. OPENING REMARKS: VICE-CHAIR DANNY A. MATEO
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
 - E. CEREMONIAL RESOLUTIONS:

None

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

1. Regular Meeting of December 7, 2007
2. Regular Meeting of December 21, 2007

H. COMMITTEE REPORTS:NO. 08-18 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication regarding Maui's nonprofit organizations and their contributions to the community. (Maui Non-Profit Directors)

NO. 08-19 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Fiscal Year 2008 Budget for the County of Maui by revising the "Waiko Road Improvements" project Section 4.B.4.b(2), Wailuku-Kahului Community Plan Area Road Improvements, Highway Fund, to the "Waiko Road Improvements and Waiale Road Extension" project; and
2. **FILING** of communication.

NO. 08-20 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2008 Budget for the County of Maui as it pertains to the Department of Housing and Human Concerns; and
2. **FILING** of communication. ("The Asato Family Donation" for the Kaunoa Senior Services Division's Meals-on-Wheels and Assisted Transportation Programs; and "The Karakawa Family Donation" for the Kaunoa Senior Services Division's Assisted Transportation Program)

H. COMMITTEE REPORTS (continued):NO. 08-21 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2008 Budget for the County of Maui by increasing the appropriation in the Department of Water Supply, Fiscal/Customer Service Program - Water Supply Fund, from \$2,090,682 to \$2,240,682, and decreasing the appropriation in the Department of Water Supply, Engineering Program - Water Supply Fund, from \$1,824,629 to \$1,674,629; and
2. **FILING** of communication.

NO. 08-22 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the State Land Use District Classification from Agricultural to Urban for property situated at Makena, Maui, Hawaii (TMK: (2) 2-1-07:067);
2. **FIRST READING** of bill to amend the Kihei-Makena Community Plan and Land Use Map from Hotel to Single-Family for property situated at Makena, Maui, Hawaii (TMK: (2) 2-1-07:067);
3. **FIRST READING** of bill to establish R-3 Residential District Zoning (Conditional Zoning) for property situated at Makena, Maui, Hawaii (TMK: (2) 2-1-07:067);
4. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
5. **FILING** of communication. (Samuel M. Garcia, Jr. and Jon E. Garcia)

NO. 08-23 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill repealing Chapter 19.90, Maui County Code, and establishing a new Chapter 19.90A, Maui County Code, pertaining to Kihei-Makena Project District 9 (Wailea 670);
2. **FIRST READING** of bill repealing Ordinance No. 2171 (1992) and establishing Kihei-Makena Project District 9 (Wailea 670) Zoning (Conditional Zoning) for approximately 670 acres situated at Paeahu, Palauea, Keauhou, Maui, Hawaii;

H. COMMITTEE REPORTS (continued):

3. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning;
4. **REFERRAL** of the matter relating to the reporting requirements of Chapter 2.96, Maui County Code (the Residential Workforce Housing Policy), to the Policy Committee; and
5. **FILING** of communication. (Charles Jencks, Owner's Representative, Honua`ula Partners, LLC)

NO. 08-24 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the Mayor to formalize a sister-city relationship between the County of Maui and Fukuyama City, Hiroshima Prefecture, Japan; and
2. **FILING** of communication.

NO. 08-25 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution delegating the authority from the Mayor to the Director of Housing and Human Concerns to execute Section 8 Program housing assistance payments contracts between the County and landlords of families receiving Section 8 Program assistance; and
2. **FILING** of communication.

NO. 08-26 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into a Memorandum of Agreement with the City and County of Honolulu and the State of Hawaii for the U.S. Environmental Protection Agency Hawaii Brownfields Cleanup Revolving Loan Fund program, which provides low-cost financial assistance of the cleanup of contaminated sites that are poised for redevelopment; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 08-27 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving an amendment to the lease and management agreement with the Lahaina Restoration Foundation for the Old Lahaina Courthouse in Lahaina, Maui, TMK: (2) 4-6-01:009, by amending Section 16.B, Banyan Tree Park, Maintenance, to delete the words "safety related repairs"; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 08-25 - PROSECUTING ATTORNEY, informing of the Police Department's intent to expend \$15,000 in State Forfeiture Funds for the purchase of a multi-function copier.
- NO. 08-26 - CHAIR, SALARY COMMISSION, informing of salary increases for the Corporation Counsel and the Prosecuting Attorney.
- NO. 08-27 - DIRECTOR OF FINANCE, informing of transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2007.
- NO. 08-28 - DIRECTOR OF FINANCE, transmitting sixty-one contracts for November 2007.
- NO. 08-29 - MAYOR, informing of a vacancy on the Commission on Naming Streets, Parks, and Facilities due to the resignation of Verna Nahulu.
- NO. 08-30 - MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of Peter Soman.

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-31 - CHAIR, POLICY COMMITTEE, pertaining to County Communication No. 07-232, relating to prohibiting the use of nonbiodegradable plastic bags and encouraging the use of environmentally preferable alternatives, informing of his intention to offer the following motions:
1. A motion that the Policy Committee be DISCHARGED from further consideration of County Communication No. 07-232;
 2. A motion that County Communication No. 07-232 be REFERRED to the appropriate standing committee; and
 3. A motion that this communication be FILED.
- NO. 08-32 - CHAIR, POLICY COMMITTEE, pertaining to a Miscellaneous Communication relating to bicycle tour business liability insurance and general liability issues, informing of his intention to offer the following motions:
1. A motion that the Policy Committee be DISCHARGED from further consideration of the Miscellaneous Communication;
 2. A motion that the Miscellaneous Communication be REFERRED to the appropriate standing committee; and
 3. A motion that this communication be FILED.
- NO. 08-33 - MAYOR, requesting an opportunity for the Police Chief to discuss the proposed South Maui Police Station.
- NO. 08-34 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2008 - SECOND QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of December 31, 2007.
- NO. 08-35 - 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 ESTIMATED REVENUES, LANAI COMMUNITY PLAN AREA - LANAI CITY AFFORDABLE HOUSING PROJECT, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2008".

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-36 - 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 ESTIMATED REVENUES, LANAI COMMUNITY PLAN AREA GOVERNMENT FACILITIES, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2008".
- NO. 08-37 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PLANNING". (Certified Local Government Program)
- NO. 08-38 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PLANNING". (Federal Emergency Management Agency Flood Map Study)
- NO. 08-39 - PLANNING DIRECTOR, transmitting documents relating to a conditional permit application by Joy and Don Nelson for wedding services and group functions at 210 and 220 Hauoli Street, Maalaea, Hawaii.
- NO. 08-40 - PLANNING DIRECTOR, relating to an application for the Kihei Baptist Chapel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII", and related documents.
- NO. 08-41 - PLANNING DIRECTOR, relating to an application by the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN SPACE DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII", and related documents.
- NO. 08-42 - PLANNING DIRECTOR, relating to an application by Tanna Swanson, transmitting a proposed resolution entitled "APPROVING THE ACTION OF THE MAUI PLANNING COMMISSION GRANTING A TYPE 3 BED AND BREAKFAST HOME PERMIT FOR THE GUESTHOUSE BED AND BREAKFAST ON PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII", and related documents.

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-43 - INTERIM FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION FROM GOODFELLOW BROS., INC. TO THE COUNTY OF MAUI, DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 08-44 - CHIEF OF POLICE, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT WAILUKU, MAUI, HAWAII", and related documents.
- NO. 08-45 - COUNCILMEMBER MEDEIROS, relating to the matter of genetic modification of taro.
- NO. 08-46 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENTS IN THE E PAEPAE KA PUKO`A SUBDIVISION, PAIA, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".
- NO. 08-47 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the "USEPA/DOH CONSENT DECREE QUARTERLY PROGRESS REPORT #34, OCTOBER 2007 THROUGH DECEMBER 2007".
- NO. 08-48 - DIRECTOR OF WATER SUPPLY, reporting on waterline easement conveyances for the second quarter of Fiscal Year 2008.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 8 (2008) - "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO BUSINESS/COMMERCIAL FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII"

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

BILL NO. 9 (2008) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII"

BILL NO. 10 (2008) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF WATER SUPPLY"

BILL NO. 11 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, LANAI COMMUNITY PLAN AREA - LANAI WATER SYSTEM ACQUISITION APPRAISAL, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 12 (2008) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS"

BILL NO. 13 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, MOLOKAI COMMUNITY PLAN AREA GOVERNMENT FACILITIES, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

L. UNFINISHED BUSINESS:

NONE

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.