

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of February 22, 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@mauicounty.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:** COUNCILMEMBER BILL KAUAKEA MEDEIROS
 - C. **PLEDGE OF ALLEGIANCE**
 - D. **TESTIMONY ON CEREMONIAL RESOLUTIONS**

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING LALELEI ISABELLA MATA`AFA, WINNER OF THE NATIONAL FOOTBALL LEAGUE PEPSI PUNT, PASS & KICK COMPETITION"

NO. _____ - "CONGRATULATING BALDWIN HIGH SCHOOL'S CASSY ISAGAWA FOR WINNING THE SONY OPEN'S JUNIOR SKILLS CHALLENGE"

NO. _____ - "RECOGNIZING 2008 AS THE INTERNATIONAL YEAR OF THE REEF"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 08-28 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the Council Chair to contract for an audit of Maui Economic Concerns of the Community, Inc.; and
2. **FILING** of communication.

NO. 08-29 - 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 Part II, Special Purpose Revenues - Schedule of Revolving Special Funds for Fiscal Year 2008, for land acquisition, Apartment B, Montana Beach Condominium, Paia, Maui, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-30 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan for the Front Street Sewer Rehabilitation Project, West Maui Community Plan Area;
2. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan for the Environmental Protection Agency (EPA) Consent Decree Sewer Rehabilitation, Wailuku-Kahului Community Plan Area project;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan for the EPA Consent Decree Sewer Rehabilitation, Kihei-Makena Community Plan Area project;
4. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan for the EPA Consent Decree Sewer Rehabilitation, West Maui Community Plan Area project;
5. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan for the Hyatt/Kaanapali Force Main Replacement project; and
6. **FILING** of communications.

NO. 08-31 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the granting of two non-exclusive perpetual easements on County of Maui real property to Maui Electric Company, Limited, and Hawaiian Telcom, Inc. for utility purposes; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-32 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a ten-year Conditional Permit to Janice Fairbanks and Thomas N. Fairbanks III to operate a ten-bedroom transient vacation rental at the Old Wailuku Inn at Ulupono on approximately 22,532 square feet within the R-2 and R-3 Residential Districts, for property situated at 2199 Kahookele Street, Wailuku, Maui, Hawaii (TMK: (2) 3-4-05:015); and
2. **FILING** of communication.

NO. 08-33 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Wilhelmina Derego v. County of Maui, Case No. 7-01-01397.

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. 08-34 - POLICY COMMITTEE:

Recommending **FIRST READING** of bill amending Chapter 2.96, Maui County Code, clarifying procedures relating to the requirement to approve or disapprove of Residential Workforce Housing Policy appeals within 90 days, and the applicant selection process for rental units.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 08-49 - DIRECTOR OF FINANCE, transmitting the "COUNTY OF MAUI SUMMARY OF TOTAL FUNDED INDEBTEDNESS OUTSTANDING AND UNPAID AS OF JANUARY 17, 2008 BASED UPON RECORDS OF THE DIRECTOR OF FINANCE".

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-50 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Kealoha J. Laemoa.
- NO. 08-51 - MAYOR, informing of vacancies on the Maui County Grants Review Committee and the Cost of Government Commission due to the resignations of Lee Y. Stein and Sharron Courter, respectively.
- NO. 08-52 - MAYOR, informing of vacancies on the Cultural Resources Commission and the Commission on Persons with Disabilities due to the resignations of Dorothy Pyle and Donald N. Reaser, respectively.
- NO. 08-53 - MAYOR, informing of a vacancy on the Real Property Tax Review Board due to the resignation of Marlene Ritts.
- NO. 08-54 - COUNCIL CHAIR, transmitting a report from the State Department of Accounting and General Services regarding certain State appropriations for capital improvement projects involving the County for the period ending December 31, 2007.
- NO. 08-55 - CHAIR, BUDGET AND FINANCE COMMITTEE, relating to the matter of the Fiscal Year 2009 Budget.
- NO. 08-56 - CORPORATION COUNSEL and PROSECUTING ATTORNEY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY".
- NO. 08-57 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2007 to June 30, 2008 as of December 31, 2007, and the Capital Improvement Project Report as of December 31, 2007.
- NO. 08-58 - 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, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, TOTAL OPERATING APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATIONS AND CAPITAL IMPROVEMENT PROJECTS)", and "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2008".

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-59 - 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 PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING SPECIAL FUNDS FOR FISCAL YEAR 2008, FOR APPROPRIATION FROM THE EMERGENCY FUND FOR DECEMBER 2007 STORM DAMAGES".
- NO. 08-60 - COUNCILMEMBER MEDEIROS, transmitting a draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILLS TO, RESPECTIVELY, ENACT A STATE LAND USE DISTRICT CLASSIFICATION AMENDMENT, A COMMUNITY PLAN AMENDMENT, AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION AND IMPROVEMENTS TO PA`ANI MAI PARK".
- NO. 08-61 - PLANNING DIRECTOR, transmitting documentation relating to five draft bills entitled:
1. "A BILL FOR AN ORDINANCE TO AMEND THE RURAL DISTRICT TO ALLOW THE ESTABLISHMENT OF BED AND BREAKFAST OPERATIONS";
 2. "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.30A AGRICULTURAL DISTRICT";
 3. "A BILL FOR AN ORDINANCE RELATING TO THE PERMITTING OF TRANSIENT VACATION RENTALS";
 4. "A BILL FOR AN ORDINANCE TO AMEND THE CHAPTER 19.40 CONDITIONAL PERMITS"; and
 5. "A BILL FOR AN ORDINANCE TO AMEND THE BED AND BREAKFAST ORDINANCE".
- NO. 08-62 - COUNCILMEMBER MEDEIROS, transmitting a proposed resolution entitled "URGING SUPPORT OF HOUSE BILL NO. 962 S.D.2 (2007) AND SENATE BILL NO. 1258 (2007) RELATING TO CHRONIC KIDNEY DISEASE".
- NO. 08-63 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the "Hawaii Housing Policy Study, 2006" compact disc.

1. COUNTY COMMUNICATIONS (continued):

NO. 08-64 - COUNCIL CHAIR, relating to the matter of residential issues and concerns regarding the Maui Lani Project District, specifically the traffic situation on Kainani Street.

NO. 08-65 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended January 2008.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

NONE

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.