

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 7, 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.

-
- A. ROLL CALL
 - B. OPENING REMARKS: COUNCILMEMBER MICHAEL J. MOLINA
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "RECOGNIZING MARCH 2008 AS AMERICAN RED CROSS MONTH"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 08-35 - 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 Planning (Certified Local Government (CLG) Program); and
2. **FILING** of communication.

NO. 08-36 - 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 Planning (Federal Emergency Management Agency (FEMA) Flood Map Study); and
2. **FILING** of communication.

NO. 08-37 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report entitled "FY 2008 Water Rate Study, County of Maui, Department of Water Supply, July 2007", prepared by R. W. Beck, Inc.

H. COMMITTEE REPORTS (continued):NO. 08-38 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Fiscal Year 2008 Budget for the County of Maui by increasing the Carryover/Savings in the General Fund by \$350,000; and by increasing the appropriation in Section 4.A.6.c., Lanai Community Plan Area, Other, for the "Lanai City Affordable Housing Project" from \$500,000 to \$850,000; and
2. **FILING** of communication.

NO. 08-39 - 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 Kaeo, Honuaula, Makena, Maui, Hawaii (TMK: (2) 2-1-07:066);
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 Kaeo, Honuaula, Makena, Maui, Hawaii (TMK: (2) 2-1-07:066);
3. **FIRST READING** of bill to establish R-3 Residential District Zoning (Conditional Zoning) for property situated at Kaeo, Honuaula, Makena, Maui, Hawaii (TMK: (2) 2-1-07:066);
4. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
5. **FILING** of communication. (BN01 Investment, LLC and Pacific Rim Land, Inc.)

NO. 08-40 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing additional compensation for special counsel Ashford & Wriston in Asghar R. Sadri v. James H. Apana, an individual, et al., Civil No. CV 07-00109 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.

H. COMMITTEE REPORTS (continued):

NO. 08-41 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the acquisition of real property containing approximately 24,614 square feet, including a two-story mixed-use building containing approximately 8,324 square feet of gross building area, and all other improvements thereon, located at 1831 Wili Pa Loop, Wailuku, Maui, TMK: (2) 3-4-20:039; and
2. **FILING** of communication. (County Morgue)

NO. 08-42 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the Council Chair and Director of Finance to enter into a joint agreement with the National Association of Counties (NACo) and Caremark enabling any resident of the County to receive a prescription drug discount identification card at no cost through a program established by the NACo; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 08-66 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the Department of the Attorney General for the VAWA and JAG Projects.

NO. 08-67 - DIRECTOR OF FINANCE, transmitting 85 contracts for December 2007.

NO. 08-68 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the proposed "County of Maui Affordable Housing Fund Program Annual Plan Fiscal Year 2009".

NO. 08-69 - 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".

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-70 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3397 (2006), TO EXTEND A CONDITIONAL PERMIT TO CHERIE ATTIX TO ALLOW THE CONTINUED OPERATION OF THE HALE HOOKIPA INN FOR PROPERTY SITUATED AT 32 PAKANI PLACE, MAKAWAO, MAUI, HAWAII", and related documents.
- NO. 08-71 - DEPUTY PLANNING DIRECTOR, relating to applications submitted by the Planning Director for the proposed North Beach Park and Charles Nunes property, transmitting copies of documents and three proposed bills entitled:
1. "A BILL FOR AN ORDINANCE TO AMEND WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PARK TO BUSINESS, HOTEL TO BUSINESS, HOTEL TO PARK, AND BUSINESS TO PARK FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII";
 2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT AND FROM H-2 HOTEL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LAHAINA, MAUI, LAHAINA"; and
 3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM H-2 HOTEL DISTRICT TO PK-2 PARK DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO PK-2 PARK DISTRICT, AND FROM H-2 HOTEL DISTRICT TO PK-2 PARK DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII".
- NO. 08-72 - COUNCILMEMBER JOHNSON, transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO SUSPEND THE ISSUANCE OF PERMITS FOR TIME SHARE PROJECTS FOR ONE YEAR".
- NO. 08-73 - MAYOR, transmitting a proposed resolution entitled "SUPPORTING SAFE, EFFECTIVE BIOLOGICAL CONTROL FOR MAUI COUNTY'S FOREST PESTS".
- NO. 08-74 - MAYOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING TO DOCUMENT A FIREFIGHTING, LAW ENFORCEMENT, AND EMERGENCY SERVICES "MUTUAL AID" RELATIONSHIP BETWEEN HALEAKALA NATIONAL PARK/U.S. NATIONAL PARK SERVICE AND THE COUNTY OF MAUI, STATE OF HAWAII".

1. COUNTY COMMUNICATIONS (continued):

NO. 08-75 - DIRECTOR OF PARKS AND RECREATION, informing that the Kula Community Center will be closed from April 28, 2008 through May 12, 2008.

NO. 08-76 - COUNCILMEMBER VICTORINO, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO PROHIBITIONS IN PARKS AND RECREATION FACILITIES".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 14 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS"

BILL NO. 15 (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. 16 (2008) - "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"

BILL NO. 17 (2008) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT MAKENA, MAUI, HAWAII"

BILL NO. 18 (2008) - "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM HOTEL TO SINGLE-FAMILY FOR PROPERTY SITUATED AT MAKENA, MAUI, HAWAII"

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

- BILL NO. 19 (2008) - "A BILL FOR AN ORDINANCE TO ESTABLISH R-3 RESIDENTIAL DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAKENA, MAUI, HAWAII"
- BILL NO. 20 (2008) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF HONOLULU AND STATE OF HAWAII FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAWAII BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM"
- BILL NO. 23 (2008) - "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 LAND ACQUISITION, APARTMENT B, MONTANA BEACH CONDOMINIUM, PAIA, MAUI, HAWAII"
- BILL NO. 24 (2008) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE FRONT STREET SEWER LINE REHABILITATION, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS FRONT STREET SEWER REHABILITATION)"
- BILL NO. 25 (2008) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI 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, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS ISLANDWIDE EPA CONSENT DECREE SEWER REHABILITATION)"
- BILL NO. 26 (2008) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI 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, KIHEI-MAKENA COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS ISLANDWIDE EPA CONSENT DECREE SEWER REHABILITATION)"

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

BILL NO. 27 (2008) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI 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, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS ISLANDWIDE EPA CONSENT DECREE SEWER REHABILITATION)"

BILL NO. 28 (2008) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE KAAPALI/HYATT FORCE MAIN REPLACEMENTS, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS HYATT/KAAPALI FORCE MAIN REPLACEMENTS)"

BILL NO. 29 (2008) - "A BILL FOR AN ORDINANCE GRANTING A 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 FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

BILL NO. 30 (2008) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPEALS, AND APPLICANT SELECTION PROCESS FOR RENTAL UNITS"

L. UNFINISHED BUSINESS: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"

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.