

# **COUNCIL OF THE COUNTY OF MAUI**

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

Regular Meeting of July 25, 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](mailto:county.clerk@mauicounty.us)

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### **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 MICHAEL J. MOLINA
  - C. **PLEDGE OF ALLEGIANCE**
  - D. **TESTIMONY ON CEREMONIAL RESOLUTION**

E. CEREMONIAL RESOLUTION:

NO. \_\_\_\_\_ - "RECOGNIZING SEPTEMBER 21, 2008 AS 'PEACE DAY' IN THE STATE OF HAWAII AND 'THE INTERNATIONAL DAY OF PEACE' THROUGHOUT THE WORLD"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of February 22, 2008  
Regular Meeting of March 7, 2008

H. COMMITTEE REPORTS:

NO. 08-79 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 2185 (1992), to grant an extension of a Conditional Permit, until September 6, 2013, to Dr. Roger Kehler to allow for the continued operation of the Kihei Veterinary Clinic, within the R-3 Residential District, for property situated at 1476 South Kihei Road, Kihei, Maui, Hawaii (TMK: (2) 3-9-10:076); and
2. **FILING** of communication.

NO. 08-80 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to change the zoning from Agricultural District to OS-2 Open Space District for approximately 17.559 acres situated along Kahekili Highway, Waihee, Maui, Hawaii (TMK: (2) 3-2-09:001 (por.)), which would allow for the development of the Waihee Mauka Project; and
2. **FILING** of communication. (RDD LLC)

NO. 08-81 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a non-exclusive easement to A&B Properties, Inc., of approximately 11,757 square feet across, through, and under County property, described as a portion of Haleakala Highway, Kahului, Maui, located adjacent to TMK: (2) 3-8-79:013, 015, 016 and 020, for sewer line purposes; and
2. **FILING** of communication.

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I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 08-161 - DIRECTOR OF FINANCE, transmitting the report of short-term investments for the quarter ended June 30, 2008.
- NO. 08-162 - MAYOR, informing of a vacancy on the Traffic Safety Council due to the resignation of David Olsten.
- NO. 08-163 - MAYOR, informing of a vacancy on the Hana Advisory Committee due to the resignation of Melissa L. Mauiola.
- NO. 08-164 - MAYOR, informing of a vacancy on the Real Property Tax Review Board due to the resignation of Carmela Noneza.
- NO. 08-165 - MAYOR, informing of the nomination of Margaret Bruck to the Committee on the Status of Women, replacing Debbie Boteilho.
- NO. 08-166 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the Department of Budget and Finance, regarding reimbursements to the County of Maui for witness and defendant expenses for the period July 1, 2008 until June 30, 2009.
- NO. 08-167 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF HAWAII TO PROVIDE TAX MAPPING SERVICES TO THE REAL PROPERTY TAX DIVISION, DEPARTMENT OF FINANCE, COUNTY OF MAUI".
- NO. 08-168 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3571 (2008) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI".
- NO. 08-169 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3571 (2008) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI".

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-170 - PLANNING DIRECTOR, transmitting documents relating to a conditional permit application by Troy and Susan McCasland to operate a transient vacation rental in the R-2 Residential District at 451 Ilikahi Street, Lahaina, Hawaii.
- NO. 08-171 - COUNCIL VICE-CHAIR MATEO, transmitting a letter with attachments from Henry Noa, Prime Minister of the Kingdom of Hawaii, relating to its pursuit of sovereign powers in Hawaii.
- NO. 08-172 - COUNCIL CHAIR, transmitting a letter from Rita Barreras, Chair of the Maui Health Care Initiative Task Force relating to the proposed County health care task force.
- NO. 08-173 - COUNCIL CHAIR, relating to litigation involving the County or the Council.
- NO. 08-174 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE SCHOOL STREET SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 08-175 - DIRECTOR OF PUBLIC WORKS, transmitting three proposed resolutions entitled:
1. "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAIOLANI MAUKA SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE";
  2. "ACCEPTING DEDICATION OF ROADWAY, ACCESS, SEWER, WATER AND DRAINAGE EASEMENT FOR THE WAIOLANI MAUKA SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"; and
  3. "ACCEPTING DEDICATION OF SEWERLINE AND DRAINLINE EASEMENT FOR THE WAIOLANI MAUKA SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 08-176 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT PUUNENE, MAUI, HAWAII", and related documents.
- NO. 08-177 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended June 2008.

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 60 (2008) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN ZONE DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

BILL NO. 61 (2008) - "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PARK TO CONSERVATION FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

BILL NO. 62 (2008) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 9.24, MAUI COUNTY CODE, PERTAINING TO CURFEW"

L. UNFINISHED BUSINESS:

RESOLUTION:

NO. \_\_\_\_\_ - "CONGRATULATING MAUI CHEER BABES FOR WINNING THE JAMZ XTREME CHAMPIONSHIPS AND THE JAMZ CHEER AND DANCE ALL-STAR NATIONAL CHAMPIONSHIP"

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.**