

# **COUNCIL OF THE COUNTY OF MAUI**

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

Regular Meeting of August 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](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 P. VICTORINO
  - C. **PLEDGE OF ALLEGIANCE**
  - D. **TESTIMONY ON CEREMONIAL RESOLUTION**

E. CEREMONIAL RESOLUTION:

NO. \_\_\_\_\_ - "CONGRATULATING THE 2008 NA HOKU HANO HANO AWARD WINNERS FOR THEIR CONTRIBUTIONS TO THE RECORDING ARTS IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of March 18, 2008

H. COMMITTEE REPORTS:

NO. 08-97 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the County of Hawaii to provide six months of tax mapping services for an amount not to exceed \$24,500; and
2. **FILING** of communication.

NO. 08-98 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the bond authorization ordinance by adding the South Maui Community Park, Phase I, for \$2,500,000; and
2. **FILING** of communication.

NO. 08-99 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to change zoning from R-2 Residential District to P-1 Public/Quasi-Public District for approximately 2.337 acres located at 1655 South Kihei Road, Kihei, Maui, Hawaii (TMK: (2) 3-9-27:006); and
2. **FILING** of communication. (Rusty Summers/Kihei Baptist Chapel)

H. COMMITTEE REPORTS (continued):NO. 08-100 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of David Hunkins to the *Civil Service Commission*; Warren Gouveia to the *Maui County Commission on Persons with Disabilities*; Taryn Waros to the *Molokai Planning Commission*; and Joshua Lindsey to the *Real Property Tax Review Board*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 08-101 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim No. 2005-022 of Donald Gunn.

*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. 08-102 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying police officers, Thomas Phillips, Gary Yabuta, Melvin W. Lorenzo, Gregg A. Rowe, and Corrine C. Chang, in Barry H. Shapiro v. Maui County Police Department, et al., Civil No. CV07-00517 SPK KSC.

*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. 08-103 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor, on behalf 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 with Haleakala National Park and the U.S. National Park Service; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-104 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution referring to the Maui Planning Commission a draft bill amending Section 19.78.070, Maui County Code, to prohibit traffic ingress and egress on Kainani Street to and from the development within the Maui Lani Project District; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 08-185 - DIRECTOR OF FINANCE, transmitting the "COUNTY OF MAUI SUMMARY OF TOTAL FUNDED INDEBTEDNESS OUTSTANDING AND UNPAID AS OF JULY 1, 2008 BASED UPON RECORDS OF THE DIRECTOR OF FINANCE".
- NO. 08-186 - MAYOR, informing of vacancies on the Grants Review Committee due to the resignation of Donald Kent Stewart and Albert Nyberg.
- NO. 08-187 - MAYOR, informing of a vacancy on the Outdoor Lighting Standards Committee due to the resignation of Sye Vasquez.
- NO. 08-188 - MAYOR, informing of the nomination of Frederick William Roling and Valene Louise Devlin to the Traffic Safety Council, replacing David Peterson and David Olsten, respectively.
- NO. 08-189 - DIRECTOR OF PUBLIC WORKS, transmitting the "Other Departmental Support" third quarter report of Fiscal Year 2008 for work provided by the Department of Public Works to the Department of Environmental Management.
- NO. 08-190 - DIRECTOR OF PERSONNEL SERVICES, informing of the abolishment of certain unfunded positions.
- NO. 08-191 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF TRANSPORTATION".

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-192 - PLANNING DIRECTOR, transmitting documents relating to a conditional permit application by Linda Gallagher to operate a Type 1 Bed & Breakfast Vacation Rental in the P-1 Public/Quasi-Public District at 367 Hana Highway, Kuau, Hawaii.
- NO. 08-193 - PLANNING DIRECTOR, transmitting documents relating to a conditional permit application by Don Nelson to operate a Transient Vacation Rental in the A-2 Apartment District at 210 Hauoli Street, Maalaea, Hawaii.
- NO. 08-194 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE HAWAII OMORI MAUKA SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 08-195 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE HALE KANANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 08-196 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE DISPOSITION OF LUNALILO-MAIN PEDESTRIAN WALKWAY EASEMENTS SITUATED AT WAILUKU, MAUI, HAWAII PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- NO. 08-197 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended July 2008.

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

**K. ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 65 (2008) - "A BILL FOR AN ORDINANCE TO AMEND THE 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"
- BILL NO. 66 (2008) - "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, HAWAII"
- BILL NO. 67 (2008) - "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 PK-2 PARK DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII"
- BILL NO. 68 (2008) - "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"
- BILL NO. 69 (2008) - "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.18, MAUI COUNTY CODE, PERTAINING TO PLASTIC BAG REDUCTION"

**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.**