

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of September 7, 2007

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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER GLADYS C. BAISA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE BAILEY HOUSE MUSEUM ON ITS 50TH ANNIVERSARY"

E. CEREMONIAL RESOLUTIONS (continued):

NO. _____ - "CONGRATULATING THE MAKAWAO HONGWANJI MISSION ON ITS 100TH ANNIVERSARY"

NO. _____ - "CONGRATULATING CIERRA RAUCH ON WINNING THE MISS HAWAII FILIPINA PAGEANT"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular meeting of July 26, 2007

H. COMMITTEE REPORTS:

NO. 07-94 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2008 Budget as it pertains to Revenues - Fees, Rates, Assessments and Taxes for refuse collection; and
2. **FILING** of communication.

NO. 07-95 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Kihei-Makena Community Plan and Land Use Map from Light Industrial to Heavy Industrial for approximately 9.811 acres situated at Puunene, Maui, Hawaii (TMK: (2) 3-8-05:001 (por.));
2. **FIRST READING** of bill amending the Kihei-Makena Community Plan and Land Use Map from Light Industrial to Heavy Industrial for approximately 58,091 square feet situated at Puunene, Maui, Hawaii (TMK: (2) 3-8-05:001 (por.) and (2) 3-8-05:019 (por.));
3. **FIRST READING** of bill amending the Kihei-Makena Community Plan and Land Use Map from Light Industrial to Heavy Industrial for approximately 43,810 square feet situated at Puunene, Maui, Hawaii (TMK: (2) 3-8-05:001 (por.));

H. COMMITTEE REPORTS (continued):

4. **FIRST READING** of bill to change the zoning from Agricultural District to M-2 Heavy Industrial District (Conditional Zoning) for approximately 9.811 acres situated at Puunene, Maui, Hawaii (TMK: (2) 3-8-05:001 (por.));
5. **FIRST READING** of bill to change the zoning from M-1 Light Industrial District to M-2 Heavy Industrial District (Conditional Zoning) for approximately 58,091 square feet situated at Puunene, Maui, Hawaii (TMK: (2) 3-8-05:001 (por.) and (2) 3-8-05:019 (por.));
6. **FIRST READING** of bill to change the zoning from M-1 Light Industrial District to M-2 Heavy Industrial District (Conditional Zoning) for approximately 43,810 square feet situated at Puunene, Maui, Hawaii (TMK: (2) 3-8-05:001 (por.));
7. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning for the 9.811-acre property;
8. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning for the 58,091-square-foot property;
9. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning for the 43,810-square-foot property; and
10. **FILING** of communication. (S & F Land Co., Inc.)

NO. 07-96 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring a bill pertaining to "superstores" to the Lanai, Maui, and Molokai Planning Commissions, the Maui County Cultural Resources Commission, and the Hana Advisory Committee.

NO. 07-97 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 22.04A.070, Maui County Code, relating to the Kula Agricultural Park Committee; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 07-249 - COUNCIL CHAIR, transmitting a report from the State Department of Accounting and General Services relating to certain State appropriations for capital improvement projects involving the County.
- NO. 07-250 - PROSECUTING ATTORNEY, informing of the Department of the Prosecuting Attorney's intent to expend approximately \$20,000 in forfeiture funds for a multi-functional copier.
- NO. 07-251 - MAYOR, informing of a vacancy on the Grants Review Committee due to the resignation of Cynthia Arruiza.
- NO. 07-252 - MAYOR, informing of the appointment of Lois Prey to the Committee on the Status of Women.
- NO. 07-253 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, informing of the Department of Environmental Management's plan to retain a 1993 Jeep Cherokee that is being replaced with a new vehicle.
- NO. 07-254 - DIRECTOR OF WATER SUPPLY, transmitting the final report on the "FY 2008 Water Rate Study" for the Department of Water Supply.
- NO. 07-255 - COUNCILMEMBER PONTANILLA, transmitting a copy of a letter from the Committee For More Equitable Taxation (COMET) regarding concerns with the Circuit Breaker Tax Credit; and requesting that the matter relating to the Circuit Breaker Tax Credit be referred to the appropriate committee.
- NO. 07-256 - COUNCILMEMBER BAISA, transmitting a proposed resolution entitled "APPROVING THE COUNTY OF MAUI'S MEMBERSHIP IN ICLEI - LOCAL GOVERNMENTS FOR SUSTAINABILITY AND PARTICIPATION IN ICLEI'S CLIMATE PROTECTION PROGRAM".
- NO. 07-257 - COUNCILMEMBER MATEO, relating to the matter of a Maui Island infrastructure study.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-258 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting the following:
1. A copy of the draft "CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR PROGRAM YEAR 2006 (JULY 1, 2006 THROUGH JUNE 30, 2007)"; and
 2. A copy of the "ANNUAL ACTION PLAN (AAP) OF THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2007 (JULY 1, 2007 THROUGH JUNE 30, 2008)".
- NO. 07-259 - COUNCIL CHAIR, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN INDEPENDENT AUDIT OR EVALUATION OF ANY CAPITAL IMPROVEMENT PROJECT".
- NO. 07-260 - DIRECTOR OF PARKS AND RECREATION, transmitting a list of County co-sponsored events/activities held at Department of Parks and Recreation facilities.
- NO. 07-261 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A JET SKI, RESCUE SLED, AND SAND TRAILER FROM TRI-ISLE RESOURCE CONSERVATION & DEVELOPMENT COUNCIL, INC., ON BEHALF OF KIHEI COMMUNITY ASSOCIATION, TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 45 (2007) - "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 WAILUKU WASTEWATER PUMP STATION FORCE MAIN REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS WAILUKU-KAHULUI WASTEWATER PUMP STATION FORCE MAIN REPLACEMENT)"

BILL NO. 46 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.48, MAUI COUNTY CODE, RELATING TO TRAVEL EXPENSES"

BILL NO. 47 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, PERTAINING TO THE AFFORDABLE HOUSING FUND"

BILL NO. 48 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.16, MAUI COUNTY CODE, PERTAINING TO ELECTRICAL AND TELEPHONE POLES"

BILL NO. 49 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO THE RECREATIONAL AREA REGULATIONS"

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATION:

NO. 07-246 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A JET SKI AND RESCUE SLED FROM TRI-ISLE RESOURCE CONSERVATION & DEVELOPMENT COUNCIL, INC., ON BEHALF OF KIHEI COMMUNITY ASSOCIATION, TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

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.