

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of September 21, 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 JO ANNE JOHNSON

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 07-98 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting the Department of Parks and Recreation a five-year Conditional Permit for the expansion of a youth clubhouse and related improvements within the County Agricultural District for property located at 280 Shaw Street, Lahaina, Maui, Hawaii (TMK: (2) 4-6-12:005 (por.)); and
2. **FILING** of communication.

NO. 07-99 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of donation of \$2,000 from Carl S. Asato, Evan M. Asato, and Evelyn K. Asato to the County of Maui, Department of Housing and Human Concerns, Kaunoha Senior Services, pursuant to Chapter 3.56, Maui County Code;
2. **ADOPTION** of resolution authorizing acceptance of donation of \$2,000 from Hisano Karakawa to the County of Maui, Department of Housing and Human Concerns, Kaunoha Senior Services, pursuant to Chapter 3.56, Maui County Code; and
3. **FILING** of communications.

NO. 07-100 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of road widening Lot 158-D for the partition of Hui Kuai Aina O Peahi Subdivision in Haiku, Maui, along Kaupakalua Road, consisting of approximately 0.08 acre, TMK: (2) 2-8-06:portion of 044; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 07-101 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill requiring owners of agricultural lots of 15 acres or less to be responsible for the cleaning and maintenance of the sidewalk area fronting their property; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 07-262 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in Federal Forfeiture Funds for its Employee Development Program.

NO. 07-263 - DIRECTOR OF FINANCE, transmitting 75 contracts for June 2007.

NO. 07-264 - DIRECTOR OF FINANCE, transmitting 59 contracts for July 2007.

NO. 07-265 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Keith Moniz.

NO. 07-266 - COUNCIL CHAIR, transmitting a letter from the Department of the Corporation Counsel relating to the settlement of the Douglas R. White property on Front Street, Lahaina.

NO. 07-267 - COUNCIL CHAIR, transmitting the following:

1. A draft bill entitled "A BILL FOR AN ORDINANCE TO REGULATE THE NUMBER OF TIME SHARE UNITS"; and
2. A draft resolution entitled "REFERRING A DRAFT BILL TO REGULATE THE NUMBER OF TIME SHARE UNITS TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS".

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-268 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a letter from Peter Durkson, Chair of the Council on Aging, requesting that the Maui County Council appoint a Councilmember to serve as an ex-officio member on the Council on Aging.
- NO. 07-269 - FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A JET SKI, RESCUE SLED, AND RELATED EQUIPMENT FROM KEVIN COMCOWICH TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 07-270 - DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT HAIKU, MAUI, HAWAII" and related documents.
- NO. 07-271 - DIRECTOR OF PARKS AND RECREATION, advising that the northern end of Kamaole III Beach Park in South Maui will be closed from September 14, 2007 due to the scheduled work that will be required for the Sand Restoration Project and tentatively scheduled to re-open on October 6, 2007.
- NO. 07-272 - ECONOMIC DEVELOPMENT COORDINATOR, transmitting a proposed resolution entitled "AUTHORIZING THE APPLICATION AND DESIGNATION OF THE COUNTY OF MAUI AS A 'PRESERVE AMERICA COMMUNITY'".
- NO. 07-273 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE YATES SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 07-274 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENTS IN THE PINEAPPLE HILL AT KAPALUA PHASE II SUBDIVISION, LAHAINA, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".
- NO. 07-275 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended August 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 50 (2007) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES - FEES, RATES, ASSESSMENTS AND TAXES FOR REFUSE COLLECTION"

BILL NO. 51 (2007) - "A BILL FOR AN ORDINANCE TO AMEND 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"

BILL NO. 52 (2007) - "A BILL FOR AN ORDINANCE TO AMEND 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"

BILL NO. 53 (2007) - "A BILL FOR AN ORDINANCE TO AMEND 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"

BILL NO. 54 (2007) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-2 HEAVY INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR APPROXIMATELY 9.811 ACRES SITUATED AT PUUNENE, MAUI, HAWAII"

BILL NO. 55 (2007) - "A BILL FOR AN ORDINANCE TO CHANGE 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"

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

BILL NO. 56 (2007) - "A BILL FOR AN ORDINANCE TO CHANGE 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"

BILL NO. 57 (2007) - "A BILL FOR AN ORDINANCE AMENDING SECTION 22.04A.070, MAUI COUNTY CODE, RELATING TO THE KULA AGRICULTURAL PARK COMMITTEE"

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.