

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of October 5, 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: VICE-CHAIR DANNY A. MATEO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "RECOGNIZING THE MONTH OF OCTOBER 2007 AS DOMESTIC VIOLENCE AWARENESS MONTH IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of August 3, 2007

H. COMMITTEE REPORTS:NO. 07-102 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. G2340, between the County of Maui and The Lahaina Restoration Foundation, relating to the Lahaina Transportation Workshop.

NO. 07-103 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication regarding the purchase of an office/restroom trailer for the Wastewater Collection Systems Maintenance Baseyard.

NO. 07-104 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication regarding notice of intent to retain a 1993 Jeep Cherokee that was scheduled for replacement in the Fiscal Year 2008 Budget.

NO. 07-105 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 1585 (Conditional Zoning) for B-2 Community Business District property situated at 232 Lahainaluna Road and 242 Lahainaluna Road, Lahaina, Maui, Hawaii (TMK: (2) 4-6-10:011 and (2) 4-6-10:012), by deleting certain existing conditions of zoning and expanding the uses permitted;
2. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning for 232 Lahainaluna Road (James Michael Whitehead and Siuafu Whitehead);
3. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning for 242 Lahainaluna Road (Wendy L. Pogni, John T. Carr, and Barbara A. Carr); and
4. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 07-106 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 1537 (Conditional Zoning) for B-2 Community Business District property situated at 252 Lahainaluna Road, Lahaina, Maui, Hawaii (TMK: (2) 4-6-10:010), by deleting certain existing conditions of zoning and expanding the uses permitted;
2. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning for 252 Lahainaluna Road (Sherry Ann Boonstra-Barbier); and
3. **FILING** of communication.

NO. 07-107 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing additional compensation for special counsel in Trinidad K. Alconcel, et al. v. County of Maui, Hawaii; Civil No. CV05-00280 SPK BMK; and
2. **ADOPTION** of resolution authorizing additional compensation for special counsel in Jack Henry Williams, Jr., et al. v. County of Maui, Hawaii; Civil No. CV05-00278 DAE LEK.

NO. 07-108 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of George Gomes v. County of Maui, Department of Parks and Recreation, Case No. 7-99-03478.

NO. 07-109 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Lynn S. Potratz, et al. v. County of Maui, et al., Civil No. 04-1-0390(3).

H. COMMITTEE REPORTS (continued):

NO. 07-110 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving with modification the Maui Lani Site 6D Affordable Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes;
2. **FILING** of resolution approving the Maui Lani Site 6D Affordable Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Maui Lani Site 6D Affordable Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes.

NO. 07-111 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of a park located adjacent to Kulanihakoi Street in the Alii Village Subdivision, Kihei, Maui, comprised of approximately 9,027 square feet and identified as TMK: (2) 3-9-01:155; and approving the waiver of requirements to provide comfort stations and parking areas in the referenced park; and
2. **FILING** of communication.

NO. 07-112 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolutions providing after-the-fact approvals for utility pole installations within County rights-of-way along Peahi Road (Haiku) TMK: (2) 2-7-13:014; South Kihei Road (Kihei) TMK: (2) 3-9-01:151 and TMK: (2) 3-9-16:002, 003, and 006; Market Street (Wailuku) TMK: (2) 3-4-17:Market Street; Calasa Road (Kula) TMK: (2) 2-2-14:005; Kahekili Highway (Maluahia) TMK: (2) 3-1-01:043; Waiakoa Road (Kula) TMK: (2) 2-2-09:090; and Baldwin Avenue (Makawao) TMK: (2) 2-4-01:004; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 07-276 - COUNCILMEMBER MATEO, transmitting correspondence from Leiane Paci, on behalf of Maui Lani Partners, informing the Council of its decision to withdraw its application for the Maui Lani Site 6D Affordable Housing Project.
- NO. 07-277 - CHAIR, POLICY COMMITTEE, relating to correspondence dated September 13, 2007, relating to a request for proposals for the 2008 Hawaii State Association of Counties (HSAC) Legislative Package, and proposed bills and justification sheets submitted by the members of the Council, informing of his intention to make the following motions:
1. That the Policy Committee be DISCHARGED from further consideration of correspondence dated September 13, 2007, and the proposed bills and justification sheets;
 2. That the requirement of committee referral and recommendation be WAIVED;
 3. That the proposed bill entitled "A BILL FOR AN ACT RELATING TO PROCUREMENT" and justification sheet be APPROVED for inclusion in the 2008 HSAC Legislative Package;
 4. That the proposed bill entitled "A BILL FOR AN ACT RELATING TO GRAY WATER" and justification sheet be APPROVED for inclusion in the 2008 HSAC Legislative Package;
 5. That the proposed bill entitled "A BILL FOR AN ACT RELATING TO HOUSING" and justification sheet be APPROVED for inclusion in the 2008 HSAC Legislative Package;
 6. That the record of the Council's action be TRANSMITTED to the HSAC Executive Committee;
 7. That the correspondence dated September 13, 2007 be FILED; and
 8. That this communication be FILED.
- NO. 07-278 - DIRECTOR OF FINANCE, transmitting 90 contracts for August 2007.
- NO. 07-279 - MAYOR, informing of a vacancy on the Arborist Committee due to the resignation of Eric Molina.
- NO. 07-280 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Steve Goldsmith.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-281 - COUNCILMEMBER PONTANILLA, requesting that the matter of real property tax refunds for improved residential or apartment properties purchased by homeowners be referred to the appropriate standing committee.
- NO. 07-282 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 3.48.465, MAUI COUNTY CODE, RELATING TO TAXPAYERS OVER SIXTY YEARS OF AGE".
- NO. 07-283 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2006 to June 30, 2007 as of June 30, 2007, and the Capital Improvement Project Report as of June 30, 2007.
- NO. 07-284 - COUNCILMEMBER BAISA, transmitting a draft resolution entitled "REFERRING A DRAFT BILL TO AUTHORIZE HOME OCCUPATIONS IN VARIOUS ZONING DISTRICTS TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS".
- NO. 07-285 - COUNCILMEMBER BAISA, requesting that the matter relating to agricultural tourism be referred to the appropriate standing committee.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 58 (2007) - "A BILL FOR AN ORDINANCE GRANTING THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, A CONDITIONAL PERMIT FOR THE EXPANSION OF A YOUTH CLUBHOUSE AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII"

BILL NO. 59 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.02, MAUI COUNTY CODE, PERTAINING TO CLEANING AND MAINTAINING SIDEWALKS"

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.