

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of November 16, 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 JOSEPH PONTANILLA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING CHRIST THE KING CHURCH ON ITS 75TH ANNIVERSARY"

E. CEREMONIAL RESOLUTIONS (continued):

NO. _____ - "RECOGNIZING NOVEMBER AS NATIONAL FAMILY CAREGIVERS MONTH"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

1. Regular Meeting of September 7, 2007
2. Regular Meeting of October 5, 2007
3. Regular Meeting of October 19, 2007

H. COMMITTEE REPORTS:

NO. 07-131 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting David Dantes and Beverly Livingston, dba Maui Tradewinds, a one-year Conditional Permit to use one bedroom on the first level of a two-story main farm dwelling (Dwelling A), and two bedrooms of a second farm dwelling (Dwelling B), for transient vacation rentals within the County Agricultural District, on approximately two acres at 4320 Une Place, Haiku, Maui, Hawaii (TMK: (2) 2-8-02:158); and
2. **FILING** of communication.

NO. 07-132 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to a proposed resolution urging the Administration to suspend the issuance of building permits for dwellings on agricultural lands until the General Plan is updated.

NO. 07-133 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to the matter of a Maui Island Infrastructure Study.

H. COMMITTEE REPORTS (continued):NO. 07-134 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of the following proposals with their corresponding justification sheets for inclusion in the 2008 HSAC Legislative Package:
 - a. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY";
 - b. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS";
 - c. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO HOUSING";
 - d. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PROCUREMENT"; and
 - e. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS"; and
2. **TRANSMITTAL** of committee report to the HSAC Executive Committee.

NO. 07-135 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Michael David Ogden as Special Administrator of the Estate of Charles Benson Ogden v. County of Maui, et al., Civil No. CV06-00113 JMS LEK.

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; 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. 07-136 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying Darren Agarano, Ryan Aikala, Stuart Kunioka, and Halayudha Macknight, employees of the Department of the Police, in Troy Mattos, et al. v. Darren Agarano, et al., Civil No. CV07-00220 DAE BMK.

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.

H. COMMITTEE REPORTS (continued):

NO. 07-137 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the acquisition of approximately 27.9 acres of real property located at 3550 Hana Highway, Haiku, Maui, Hawaii, and more particularly identified as TMK: (2) 2-7-07:008, for a purchase price of \$3,200,000; and
2. **FILING** of communication.

NO. 07-138 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending **FILING** of communication requesting that the County Council waive requirements to provide comfort stations and a parking area in a privately owned and maintained park located adjacent to Waipuilani Road in the Kihei Kauhale Subdivision, Kihei, Maui, consisting of approximately 10,501 square feet and identified as TMK: (2) 3-9-46:portion of 014.

NO. 07-139 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of road widening Lot 2-C for the Yates Subdivision in Wailuku, Maui, along Malaihi Road, consisting of approximately 912 square feet and identified as TMK: (2) 3-2-16:portion of 010, for public purposes; and
2. **FILING** of communication.

NO. 07-140 - WATER RESOURCES COMMITTEE:

Recommending **FIRST READING** of bill amending Article 1 of Title 14, Maui County Code, and Title 18, Maui County Code, relating to water availability.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 07-304 - DIRECTOR OF FINANCE, transmitting a copy of the report of short term investments for the quarter ended September 30, 2007.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-305 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MICHAEL J. GEERS AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"; and informing that the following motions will be entertained:
1. A motion for the ADOPTION of the proposed resolution; and
 2. A motion for the FILING of this communication.
- NO. 07-306 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the Department of the Attorney General for the Victim Witness Assistance Program for the period July 1, 2007 to June 30, 2009.
- NO. 07-307 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting copies of the following: 1) "FACT SHEET, REQUEST FOR PROPOSALS 2008 CONSOLIDATED/ANNUAL ACTION PLAN July 1, 2008 to June 30, 2009"; 2) "COUNTY OF MAUI - CDBG 2008 ANNUAL ACTION PLAN (AAP) SUBMISSION SCHEDULE"; and 3) "CDBG PROGRAM PROJECT EVALUATION & RATING SYSTEM".
- NO. 07-308 - DIRECTOR OF FINANCE, transmitting a report on transfers from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of October 31, 2007.
- NO. 07-309 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING GENERAL BUDGET PROVISIONS 'FINANCIAL PROCEDURES - SECTION 17' OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE GENERAL OBLIGATION BONDS OR NOTES".
- NO. 07-310 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, RELATING TO RURAL DISTRICTS", and related documents.
- NO. 07-311 - DEPUTY CORPORATION COUNSEL, requesting an opportunity to provide an update on Special Counsel Paul Alston's work relating to the potential acquisition of Wailuku Water Company assets.
- NO. 07-312 - DIRECTOR OF PARKS AND RECREATION, informing of the temporary closure of Kalama Skateboard Park from November 6, 2007 to no later than November 21, 2007.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-313 - COUNCILMEMBER MOLINA, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.48, MAUI COUNTY CODE, PERTAINING TO STOPPING, STANDING AND PARKING". (Prohibiting parking on both sides of Ulumau Place between Baldwin Avenue and Loko Place, Paia.)
- NO. 07-314 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE TO OCCUPY COUNTY REAL PROPERTY TO TOM MORROW EQUESTRIAN ARENA".
- NO. 07-315 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A SECOND AMENDMENT TO LEASE OF REAL PROPERTY TO LAHAINA RESTORATION FOUNDATION".
- NO. 07-316 - PLANNING DIRECTOR, transmitting copies of the following:
1) RESOLUTION NO. 01-141, "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN";
2) "COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN - UPDATED 2007"; and 3) "COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN ANNUAL EVALUATION REPORT OCTOBER 2007".
- NO. 07-317 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting three proposed resolutions entitled:
1. "ACCEPTING DEDICATION OF SEWERLINE EASEMENT B FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE";
 2. "ACCEPTING DEDICATION OF SEWERLINE EASEMENT D FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"; and
 3. "ACCEPTING DEDICATION OF SEWERLINE EASEMENT E FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 07-318 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT D FOR OHIA AT KEHALANI PHASE II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 07-319 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROAD WIDENING LOT FOR THE MAILEPAI HUI LAND SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 62 (2007) - "A BILL FOR AN ORDINANCE REPEALING SECTION 3.48.465, MAUI COUNTY CODE, RELATING TO TAXPAYERS SIXTY YEARS OF AGE OR OVER"

BILL NO. 63 (2007) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.425 AND 3.48.450, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX EXEMPTIONS"

BILL NO. 64 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.30, MAUI COUNTY CODE, RELATING TO THE FIRST-TIME HOME BUYERS' REVOLVING FUND"

BILL NO. 65 (2007) - "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.070, MAUI COUNTY CODE, RELATING TO SIDEWALKS"

BILL NO. 66 (2007) - "A BILL FOR AN ORDINANCE GRANTING GOODFELLOW BROS., INC. A CONDITIONAL PERMIT FOR USES RELATING TO A ROCK CRUSHING FACILITY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

L. UNFINISHED BUSINESS:COMMITTEE REPORT:NO. 07-129 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the waiver of requirements to provide comfort stations and parking areas in a privately owned and maintained linear park running from Lower Honoapiilani Road to Honoapiilani Highway in the Pineapple Hill at Kapalua Phase II Subdivision, Lahaina, Maui, consisting of approximately 33,905 square feet, TMK: (2) 4-3-01:005; and
2. **FILING** of communication.

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.