

# **COUNCIL OF THE COUNTY OF MAUI**

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

Regular Meeting of October 3, 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: COUNCIL CHAIR G. RIKI HOKAMA
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTION
  - E. CEREMONIAL RESOLUTION:

NONE

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 08-116 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 10.80, Maui County Code, pertaining to motor vehicle drivers' license;
2. **FIRST READING** of bill to amend Appendix B of the Fiscal Year 2009 Budget to delete the \$30 original and renewal fee for a six-year driver's license and establish a \$40 original and renewal fee for an eight-year driver's license; and
3. **FILING** of communication.

NO. 08-117 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2009 Budget by reducing the Grant to Maui Economic Opportunity, Inc. (MEO) for Dialysis Transportation by \$182,000 and increasing the Grant to MEO for Transportation Service by \$182,000; and
2. **FILING** of communication.

NO. 08-118 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2009 Budget by increasing Carryover/Savings in the Solid Waste Management Fund by \$475,000; and adding an appropriation for a "Molokai Solid Waste Facility", Molokai Community Plan Area, from the Solid Waste Management Fund, in the amount of \$475,000; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-119 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of Road Widening Lot 2-B for the School Street Subdivision, consisting of approximately 0.024 acres, in Kahului, Maui, along Vevau Street, and identified as TMK: (2) 3-7-04:portion of 001; and
2. **FILING** of communication.

NO. 08-120 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of Road Widening Lot 5 (Keawe Street) for the Hawaii Omori Mauka Subdivision, consisting of approximately 1.935 acres, in Lahaina, Maui, along Honoapiilani Highway, and identified as TMK: (2) 4-5-11:012; and
2. **FILING** of communication.

NO. 08-121 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of Road Widening Lot 2 for the Hale Kanani Subdivision, consisting of approximately 148 square feet, in Kihei, Maui, at the easterly corner of the intersection of South Kihei Road and Kanani Street, and identified as TMK: (2) 3-9-16:portion of 046; and
2. **FILING** of communication.

NO. 08-122 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 6.04 of the Maui County Code (MCC), relating to animal control; and amending Chapter 13.04, MCC, relating to recreational area regulations, in order to establish regulations pertaining to dogs, including the designation of dog parks; and
2. **FILING** of communication.

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H. COMMITTEE REPORTS (continued):

NO. 08-123 - WATER RESOURCES COMMITTEE:

Recommending **FIRST READING** of bill establishing an irrigation schedule for the watering of landscapes and washing of cars, which shall be determined by a property's street address.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 08-215 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the U.S. Department of Justice for the Fiscal Year 2008 Edward Byrne Memorial Justice Assistance Grant Program for the period October 1, 2007 to September 30, 2011 in the amount of \$24,499.00.

NO. 08-216 - MAYOR, informing of the following vacancies:

1. Council on Aging due to the resignation of Nancy Leano; and
2. Commission on Persons with Disabilities due to the resignation of Warren Gouveia.

NO. 08-217 - MAYOR, informing of the following vacancies:

1. Commission on Culture and the Arts due to the resignation of Scott Obley; and
2. Council on Aging due to the resignation of Branch Isole.

NO. 08-218 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2007 to June 30, 2008 as of June 30, 2008, and the Capital Improvement Project Report as of June 30, 2008.

NO. 08-219 - 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 APPENDIX A, PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2009, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".

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1. COUNTY COMMUNICATIONS (continued):

- NO. 08-220 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, relating to the Neighborhood Stabilization Program (NSP) of the Housing and Economic Recovery Act of 2008.
- NO. 08-221 - BUDGET DIRECTOR, transmitting the following:
1. a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2009, AFFORDABLE HOUSING FUND"; and
  2. a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF \$5,870,100.00 FROM KEAKA LLC, AND MAKENA MF-2&3, LLC TO THE COUNTY OF MAUI AFFORDABLE HOUSING FUND, PURSUANT TO SECTION 2.96.040.B.2, MAUI COUNTY CODE, AND THE SUBSEQUENT DISBURSEMENT TO HALE MAHAOLU AND ITS AFFILIATE HALE MAHAOLU EHIKU, INC.".
- NO. 08-222 - PLANNING DIRECTOR, relating to an application filed by Roger and Ruth Williams, Trustees for the Williams Family, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH RU-0.5 RURAL DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII", and related documents.
- NO. 08-223 - PLANNING DIRECTOR, relating to an application filed by Janice Tanaka Tower, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO JANICE TANAKA TOWER TO OPERATE THE STAR LOOKOUT, A THREE-BEDROOM TRANSIENT VACATION RENTAL WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 622 THOMPSON ROAD, KEOKEA, KULA, HAWAII", and related documents.
- NO. 08-224 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION", and minutes of the Maui, Molokai and Lanai Planning Commissions.

1. COUNTY COMMUNICATIONS (continued):

NO. 08-225 - COUNCIL CHAIR, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL PERTAINING TO RURAL DISTRICTS".

NO. 08-226 - COUNCIL CHAIR, transmitting a proposed resolution entitled "SUPPORTING THE RECOVERY OF THE HAWAII STATE MAMMAL, THE CRITICALLY ENDANGERED ENDEMIC HAWAIIAN MONK SEAL".

NO. 08-227 - COUNCIL CHAIR, transmitting a proposed resolution entitled "SUPPORTING THE NATIONAL ASSOCIATION OF COUNTIES' INITIATIVE AGAINST CHILD SEXUAL EXPLOITATION".

NO. 08-228 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO NEGOTIATE FOR THE PRESERVATION OF APPROXIMATELY 255 ACRES AT HONOLUA BAY AND LIPOA POINT FOR PARK, OPEN SPACE, AND CONSERVATION PURPOSES".

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 74 (2008) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII"

BILL NO. 75 (2008) - "A BILL FOR AN ORDINANCE TO ESTABLISH RU-0.5 RURAL DISTRICT ZONING FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII"

L. UNFINISHED BUSINESS:

COMMITTEE REPORT:

NO. 08-110 - LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the action of the Maui Planning Commission granting a Type 3 Bed and Breakfast Home Permit for The Guesthouse Bed and Breakfast on approximately 10,585 square feet in the R-3 Residential District, located at 1620 Ainakea Road, Lahaina, Maui, Hawaii (TMK: (2) 4-5-27:022); and
2. **FILING** of communication. (Tanna Swanson, The Guesthouse Bed and Breakfast)

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.**