

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of October 17, 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

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: COUNCILMEMBER JO ANNE JOHNSON
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING THE 150TH ANNIVERSARY OF THE DEDICATION OF MARIA LANAKILA CATHOLIC CHURCH"

NO. _____ - "CONGRATULATING TENNIS PLAYER BETH ARNOULT FOR HER SUCCESS AT THE 2008 PARALYMPIC GAMES IN BEIJING, CHINA"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 08-124 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report of the short-term investments for the quarter ended June 30, 2008.

NO. 08-125 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the acquisition of real property for the Central Maui Landfill Phase V extension situated at Pulehu Road, Puunene, Maui, Hawaii (TMK: (2) 3-8-03:004 and 020); and
2. **FILING** of communication.

NO. 08-126 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 3571 (2008) authorizing the issuance of General Obligation Bonds of the County of Maui to provide funding for the Central Maui Landfill Phase V Construction project; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-127 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2009 Budget for the County of Maui as it pertains to Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2009, Affordable Housing Fund. (Affordable Housing Fund for the FLC Affordable Rental Harbor Project I – Family Life Center in the amount of \$1,049,017 and \$30,000 for Administrative costs.)

NO. 08-128 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to establish RU-0.5 Rural District Zoning for property situated at Hana, Maui, Hawaii (TMK: (2) 1-4-06:020); and
2. **FILING** of communication. (Edith Marciel, et al.)

NO. 08-129 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the State Land Use District Classification from Agricultural to Urban for property situated at Waikapu, Wailuku, Maui, Hawaii (TMK: (2) 3-5-02:012(por.));
2. **FIRST READING** of bill to change zoning from Agricultural District to P-1 Public/Quasi-Public District (Conditional Zoning) for property situated at Wailuku, Maui, Hawaii (TMK: (2) 3-5-02:012(por.));
3. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
4. **FILING** of communication. (Senior Pastor Richard C. Smith, on behalf of Valley Isle Fellowship, Inc.)

NO. 08-130 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting the Maui General Plan Advisory Committee until March 1, 2009 to complete its review of the draft Maui Island Plan; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 08-131 - POLICY COMMITTEE:

Recommending **FILING** of communication relating to the pursuit of sovereign powers in Hawaii.

NO. 08-132 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Kepa Maly and Alexander Romanchak to the *Maui County Cultural Resources Commission*; and Lehua Kalua and Lyn McNeff to the *Maui County Grants Review Committee*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 08-133 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting a non-exclusive perpetual beach access easement over and across the property situated at 101 North Kihei Road in Kihei including the following elements: (1) a 10-foot-wide walkway for public beach access; and (2) a 10-foot-wide-by-20-foot-long daytime drop-off area for beach users with disabilities; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 08-229 - CHIEF OF POLICE, informing of the receipt of \$25,774.96 in Federal Forfeiture Funds from the U.S. Department of Justice, Drug Enforcement Agency.

NO. 08-230 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$25,000 in State Forfeiture Funds for the Employee Development Program.

NO. 08-231 - MAYOR, informing of the nomination of Howard Kihune Jr. and Mitchell Elliott to the Traffic Safety Council.

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-232 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2008 - FOURTH QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of June 30, 2008.
- NO. 08-233 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE NAPILI WELL "A" SITE IMPROVEMENTS".
- NO. 08-234 - COUNCIL CHAIR, transmitting a letter from Clay Rumbaoa, Director of Engineering, Castle & Cooke Resorts, LLC, providing a status report in compliance with Ordinance No. 3137, amending the State Land Use District Classification from Rural to Urban for property situated at Manele, Lanai, Hawaii. (The Terraces at Manele).
- NO. 08-235 - COUNCILMEMBER JOHNSON, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.16.320, MAUI COUNTY CODE, RELATING TO PARK DEDICATION REQUIREMENTS".
- NO. 08-236 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A UTILITY EASEMENT OVER, UNDER, ACROSS AND THROUGH PROPERTY IDENTIFIED AS TAX MAP KEY NO. (2) 3-9-002:091 (PORTION), PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 08-237 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended September 2008.

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 76 (2008) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.80, MAUI COUNTY CODE, PERTAINING TO MOTOR VEHICLE DRIVERS' LICENSE"

BILL NO. 77 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR EXAMINATION OF MOTOR VEHICLE OPERATIONS"

BILL NO. 78 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF TRANSPORTATION"

BILL NO. 79 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, MOLOKAI COMMUNITY PLAN AREA, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

L. UNFINISHED BUSINESS:

COMMITTEE REPORTS:

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 Honoapilani Highway, and identified as TMK: (2) 4-5-11:012; and
2. **FILING** of communication.

COMMITTEE REPORTS (continued):

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.

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.