

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of November 21, 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 BILL KAUAKEA MEDEIROS
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING SHANE VICTORINO OF THE PHILADELPHIA PHILLIES FOR WINNING THE 2008 WORLD SERIES"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 08-144 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending 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 (Waiehu Mauka Rental Housing Project – Lokahi Pacific, in the amount of \$1,216,152); and
2. **ADOPTION** of resolution approving the Waiehu Mauka Rental Housing Project, pursuant to Section 3.35.100(A), Maui County Code, pertaining to the Affordable Housing Fund.

NO. 08-145 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Gregg Blue, dba Haiku Recreation and Maui Dream Cottages, a two-year Conditional Permit for a one-bedroom transient vacation rental within the Agricultural District for property situated at 265 West Kuiaha Road, Haiku, Maui, Hawaii (TMK: (2) 2-7-07:072); and
2. **FILING** of communication.

NO. 08-146 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of an easement from Kai Ani Village, LLC for sewerline connection purposes, consisting of approximately 525 square feet along South Kihei Road, between Lipoa Street and Welakahao Road, Kihei, Maui, TMK: (2) 3-9-02:portion of 091; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 08-258 - DIRECTOR OF FINANCE, transmitting 55 contracts for July 2008.
- NO. 08-259 - DIRECTOR OF FINANCE, transmitting 65 contracts for August 2008.
- NO. 08-260 - DIRECTOR OF FINANCE, transmitting 63 contracts for September 2008.
- NO. 08-261 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2008 to June 30, 2009 as of September 30, 2008, and the Capital Improvement Project Report as of September 30, 2008.
- NO. 08-262 - 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 REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR REFUSE DISPOSAL FEES";
 2. a proposed resolution entitled "ACCEPTING DEDICATION OF REAL PROPERTY FOR LANDFILL PURPOSES AT LANAI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"; and
 3. a proposed resolution entitled "AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF MAUI AND CASTLE & COOKE, INC., PERTAINING TO THE WAIVER OF REFUSE DISPOSAL FEES AND THE PROVISION OF LANDFILL COVER MATERIAL FOR THE LANAI LANDFILL" and related documents.
- NO. 08-263 - PLANNING DIRECTOR, transmitting documents relating to a conditional permit application by Maui Blue, LLC to operate a Short-Term Vacation Rental in the R-3 Single Family Residential District at 1490 Halama Street, Kihei, Maui, Hawaii (Mango Surf TVR).
- NO. 08-264 - COUNCIL CHAIR, transmitting a letter from Steven Bumbar, Senior Vice President & General Manager, 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).

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-265 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION FROM THE ROTARY CLUB OF LAHAINA SUNRISE, A NONPROFIT ORGANIZATION, TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 08-266 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the following:
1. a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO KA LIMA O MAUI, LTD.";
 2. a copy of the Lease, dated October 17, 2008, between the County of Maui and Ka Lima O Maui, for approximately two acres of County real property located at 95 Mahalani Street, Wailuku, Maui, Hawaii; and
 3. a copy of the Grant Agreement for Lease of County Real Property, dated October 27, 2008.
- NO. 08-267 - COUNCIL CHAIR, relating to the matter of an audit of the Aloha Festivals grant reimbursements.
- NO. 08-268 - DIRECTOR OF PARKS AND RECREATION, transmitting copies of the semiannual report regarding park dedications for each community plan area for the period April 1, 2008 through September 30, 2008.
- NO. 08-269 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO RECREATIONAL AREA REGULATIONS".
- NO. 08-270 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR NA MALA O WAIHEE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 08-271 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT MAKENA, MAUI, HAWAII TO JAMES HENRY SCHLOEMER, FOR UNDERGROUND PRIVATE SEWER LINE PURPOSES".

1. COUNTY COMMUNICATIONS (continued):

NO. 08-272 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE DISPOSING OF COUNTY OF MAUI REAL PROPERTY FOR THE CONSTRUCTION OF THE LAHAINA BYPASS, FEDERAL AID PROJECT NO. NH-030-1(35), AT LAHAINA, MAUI".

NO. 08-273 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended October 2008.

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 86 (2008) - "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"

BILL NO. 87 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF POLICE CAPITAL IMPROVEMENT PROJECTS"

BILL NO. 88 (2008) - "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"

BILL NO. 89 (2008) - "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"

L. UNFINISHED BUSINESS:COMMITTEE REPORTS: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.

At its November 7, 2008 meeting, the Council approved the following amendment, to wit: "At page 2, after the last "WHEREAS" and before the "NOW, THEREFORE", "WHEREAS, Grantor agrees to erect beach access signs perpendicular to roadways, directing beach access users to parking located within the triangle at the end of South Kihei Road. Signs shall be located at the juncture of North Kihei Road and South Kihei Road, on South Kihei Road at the access road to the beach parking, and on Piilani Highway at the beach access. Signs indicating beach access parking shall be erected at the seven new parking spaces".

The Council subsequently postponed consideration of Committee Report No. 08-133 until its November 21, 2008 session. Based on the foregoing, the Committee Report will be accompanied by the pending main motion, as amended which is to adopt the proposed resolution with the approved amendment.

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.