

# COUNCIL OF THE COUNTY OF MAUI

## A G E N D A

Regular Meeting of December 5, 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: COUNCILMEMBER MICHAEL J. MOLINA
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
  - E. CEREMONIAL RESOLUTIONS:

NONE

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 08-147 - 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 the Department of Police; and
2. **FILING** of communication. (Electronic Exploitation of a Child grant in the amount of \$10,000)

NO. 08-148 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Kihei-Makena Community Plan and Land Use Map from Multi-Family to Business/Commercial for property situated at 2021 South Kihei Road, Kihei, Maui, Hawaii (TMK: (2) 3-09-17:012);
2. **FIRST READING** of bill to change zoning from A-1 Apartment District to B-2 Community Business District (Conditional Zoning) for property situated at 2021 South Kihei Road, Kihei, Maui, Hawaii (TMK: (2) 3-09-17:012);
3. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
4. **FILING** of communication. (Thomas Frederick Castleton)

NO. 08-149 - PLANNING COMMITTEE:

Recommending **FIRST READING** of bill amending Title 19, Maui County Code, relating to zoning as it pertains to bed and breakfast homes.

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H. COMMITTEE REPORTS (continued):

NO. 08-150 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Kevin Block to the *Commission on Culture and the Arts*; Rhonda Mary Fosbinder, Saundra Gaskey, and Brent Stricker to the *Council on Aging*; Jeremiah Savage to the *Salary Commission*; and Karl Bossert to the *Subdivision Engineering Standards Committee*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 08-151 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing special counsel Robbins & Associates, Attorneys at Law, a Law Corporation, in Sheri Gail Durham, individually and as Next Friend of Jessica Haley Durham and Marisa Uma Lama Durham, both minors, and as the Administrator of the Estate of Mark Allen Durham, Deceased vs. County of Maui, et al.; Civil No. 08-00342.

*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. 08-152 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution urging the Administration to negotiate for the preservation of Honolua Bay and Lipoa Point for park, open space, and conservation purposes.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 08-274 - DIRECTOR OF FINANCE, transmitting 85 contracts for October 2008.

NO. 08-275 - DIRECTOR OF FINANCE, transmitting a report on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of October 31, 2008.

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1. COUNTY COMMUNICATIONS (continued):

- NO. 08-276 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Darren Quinn.
- NO. 08-277 - COUNCIL CHAIR, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF \$122,510 FROM TITLE GUARANTY ESCROW SERVICES, INC. FOR THE COUNTY OF MAUI'S SHARED APPRECIATION PORTION OF THE SALE OF PROPERTY OWNED BY RICHARD AND BETH ANNE MANCUSO, 27 UAHAA, LOT 138, WAILUKU, HAWAII, PURSUANT TO CHAPTER 3.56 OF THE MAUI COUNTY CODE" and informing of his intention to offer the following motions:
1. A motion that the requirement of committee referral and recommendation as provided for in Section 5(H) of the Rules of the Council be WAIVED;
  2. A motion to ADOPT the proposed resolution; and
  3. A motion that this communication be FILED.
- NO. 08-278 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2009 - FIRST QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of September 30, 2008.
- NO. 08-279 - COUNCIL CHAIR, transmitting a report entitled "USGA Green Section Turf Advisory Service Visit: Waiehu golf Course October 29, 2008".
- NO. 08-280 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, relating to the County of Maui's Integrated Solid Waste Management Plan.
- NO. 08-281 - 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 3244 South Kihei Street, Kihei, Maui, Hawaii (Sandy Surf TVR).
- NO. 08-282 - 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 3254 South Kihei Street, Kihei, Maui, Hawaii (Plumeria Surf TVR).
- NO. 08-283 - COUNCIL CHAIR, transmitting a letter from Steven Bumbar, Senior Vice President & General Manager, and 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).

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 110 (2008) - "A BILL FOR AN ORDINANCE 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"

BILL NO. 111 (2008) - "A BILL FOR AN ORDINANCE GRANTING GREGG BLUE, DBA HAIKU RECREATION AND MAUI DREAM COTTAGES, A CONDITIONAL PERMIT FOR A ONE-BEDROOM TRANSIENT VACATION RENTAL WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT 265 WEST KUIAHA ROAD, HAIKU, MAUI, HAWAII"

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.**