

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 6, 2009
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. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER BILL KAUAKEA MEDEIROS

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING MARCH 2009 AS BEST BUDDIES MONTH IN THE COUNTY OF MAUI"

NO. _____ - "RECOGNIZING MARCH 2009 AS NATIONAL PROFESSIONAL SOCIAL WORK MONTH"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Organizational Meeting of January 2, 2009

H. COMMITTEE REPORTS:

NO. 09-1 - 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 Housing and Human Concerns, State of Hawaii Mental Health Transformation – State Incentive Grant in the amount of \$24,000; and
2. **FILING** of communication.

NO. 09-2 - 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 Office of the Mayor, Reed Act Funds in the amount of \$1,508,487; and
2. **FILING** of communication.

NO. 09-3 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Habitat for Humanity Maui, 901 Lower Main Street Project, pursuant to Section 3.35.100(A), Maui County Code, pertaining to the Affordable Housing Fund; and
2. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2009 Budget for the County of Maui by adding a proviso to Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2009, Affordable Housing Fund, 901 Lower Main Street Project – Habitat for Humanity Maui in the amount of \$1,000,000.

H. COMMITTEE REPORTS (continued):NO. 09-4 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2009 Budget for the County of Maui by increasing Carryover/Savings in the Sewer Fund, and adding an appropriation for the Wastewater Reclamation Facilities Program – Sewer Fund in the amount of \$1,992,000 to cover the increased cost of electricity and sludge removal; and
2. **FILING** of communication.

NO. 09-5 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2009 Budget for the County of Maui by increasing Carryover/Savings in the General Fund and the Total Estimated Revenues by \$524,000; and adding an appropriation for "War Memorial Complex Improvements" to complete emergency repairs, a planned renovation, and a baseyard building adjacent to the stadium; and
2. **FILING** of communication.

NO. 09-6 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Lorraine Sablas to the *Maui Planning Commission*; Stephen West to the *Salary Commission*; Ryder Swatek to the *Subdivision Engineering Standards Committee*;
2. **TRANSMITTAL** of a copy of the committee report to the Mayor; and
3. **FILING** of communication.

NO. 09-7 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the employment of an attorney from the Office of the Corporation Counsel, County of Hawaii, as special counsel to represent the Maui County Board of Ethics on Complaint No. 09-1 and related matters, for a total compensation of \$1,000; and
2. **FILING** of correspondence dated January 30, 2009.

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. 09-8 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to indemnify Thomas Phillips and Paul Takayama, employees of the Department of Police, in John P. Dunbar v. County of Maui, et al., Civil No. 07-00107 DAE BMK; and
2. **FILING** of correspondence dated January 29, 2009.

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. 09-9 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to authorize settlement of worker's compensation claim, Leslie Morreira v County of Maui, Case No. 7-05-03503; and
2. **FILING** of correspondence dated January 29, 2009.

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. 09-10 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept dedication of roadway Lot 8 in Waihee, Maui, along Heahea Place and Kuhinia Street, consisting of approximately 0.812 acre, TMK: (2) 3-2-08:013; and
2. **FILING** of communication. (Na Mala O Waihee Subdivision)

H. COMMITTEE REPORTS (continued):

NO. 09-11 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to grant a non-exclusive easement of approximately 1,822 square feet across, through and under County property, described as a portion of Makena-Keoneoio Road (also referenced as Makena Road), Makena, Maui, located near TMK: (2) 2-1-11:028, for underground private sewer line purposes; and
2. **FILING** of communication. (James Henry Schloemer)

NO. 09-12 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to grant a non-exclusive easement of approximately 328 square feet, across, through and under County property, described as a portion of Makena-Keoneoio Road, Makena, Maui, located near TMK: (2) 2-1-11:008, for underground private wastewater system purposes; and
2. **FILING** of communication. (Stephen Andrew Finn)

NO. 09-13 - LAND USE COMMITTEE:

Recommending **FILING** of communication requesting an orientation workshop to be conducted by the Department of Planning.

NO. 09-14 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution transmitting a draft bill amending Title 19, Maui County Code, to eliminate "stacking" in the Hotel Districts; and
2. **ADOPTION** of resolution transmitting a draft bill amending Title 19, Maui County Code, to eliminate "stacking" in the Light Industrial Districts.

NO. 09-15 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 19.530.030, Maui County Code, to establish the administrative enforcement authority of the Director of Environmental Management, the Director of Water Supply, and the Planning Director for violations of Titles 8, 12, 14, 16, 18, 19, and 20 of the Maui County Code; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 09-16 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Title 19, Maui County Code, to authorize home occupations in the Residential, R-0 Zero Lot Line Residential, Apartment, Country Town Business, B-1 Neighborhood Business, B-2 Community Business, B-3 Central Business, and Rural zoning districts; and
2. **FILING** of communication.

NO. 09-17 - PUBLIC SERVICES COMMITTEE:

Recommending **FILING** of communication relating to an award of \$19.6 million from the United States Department of Housing and Urban Development to help stabilize Hawaii's neighborhoods and communities affected by the current economic challenges.

NO. 09-18 - WATER RESOURCES COMMITTEE:

Recommending **FIRST READING** of bill amending Title 14, Maui County Code, to codify the Department of Water Supply's rules and regulations relating to declarations of drought.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 09-70 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "SUPPORTING THE UNITED STATES GEOLOGICAL SURVEY REPORT, 'THE CORAL REEF OF SOUTH MOLOKA'I, HAWA'I': PORTRAIT OF A SEDIMENT-THREATENED FRINGING REEF', AND ENCOURAGING FEDERAL, STATE, AND COMMUNITY COOPERATION TO STEWARD THE SOUTH MOLOKAI REEF FISHERY" and informing of his intention to offer the following motions:

1. A motion to ADOPT the proposed resolution; and
2. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-71 - COUNCILMEMBER KAHO`OHALAHALA, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE COUNTYWIDE POLICY PLAN" and informing of his intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and report;
 2. A motion to ADOPT the proposed resolution; and
 3. A motion to FILE this communication.
- NO. 09-72 - DIRECTOR OF FINANCE, transmitting 42 contracts for January 2009.
- NO. 09-73 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2008.
- NO. 09-74 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2008 to June 30, 2009 as of December 31, 2008, and the Capital Improvement Project Report as of December 31, 2008.
- NO. 09-75 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.415 AND 3.48.558, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX CHILD CARE FACILITIES EXEMPTIONS".
- NO. 09-76 - COUNCILMEMBER PONTANILLA, relating to the matter of State or Federal stimulus programs.
- NO. 09-77 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS, STATE OF HAWAII".
- NO. 09-78 - COUNCILMEMBER JOHNSON, relating to the prohibition of alcohol within the boundaries of Charlie Young Park.
- NO. 09-79 - COUNCILMEMBER JOHNSON, relating to the prohibition of alcohol within the boundaries of Honokowai Park.

1. COUNTY COMMUNICATIONS (continued):

NO. 09-80 - COUNCILMEMBER NISHIKI, relating to the matter of public review of agricultural subdivisions.

NO. 09-81 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, REPEALING CHAPTER 19.36, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 19.36A, MAUI COUNTY CODE, PERTAINING TO OFF-STREET PARKING AND LOADING", and minutes of the Maui, Molokai and Lanai Planning Commissions.

NO. 09-82 - COUNCIL VICE-CHAIR MOLINA, transmitting two draft bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS"; and
2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS".

NO. 09-83 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a draft agreement entitled "AGREEMENT CONCERNING RESALE OF DEED RESTRICTED AFFORDABLE HOUSING UNITS" between Housing and Land Enterprise of Maui and the County of Maui.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

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.