

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of June 5, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 SOL P. KAHO`OHALAHALA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING DAVID 'BUDDY' NOBRIGA FOR WINNING A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL ACHIEVEMENT AWARD FOR HIS WORK WITH THE WEST MAUI SOIL AND WATER CONSERVATION DISTRICT"

NO. _____ - "CONGRATULATING CHERISSA HENOHEANAPUAIKAWAOKELE KANE MISS ALOHA HULA 2009"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 09-42 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Title 19, Maui County Code, prohibiting new retail establishments exceeding 15,000 square feet on the Island of Lanai, 75,000 square feet in the Hana Community Plan Area, and 90,000 square feet elsewhere in Maui County; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 09-148 - COUNCIL CHAIR, transmitting a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO POSTPONEMENT OF PENDING COUNCIL BUSINESS" and informing of his intention to offer the following motions:

1. A motion to ADOPT the proposed resolution as permitted by Rule 6(F) of the Rules of the Council; and
2. A motion to FILE this communication.

NO. 09-149 - CHAIR, COMMITTEE OF THE WHOLE, relating to the Hawaii State Association of Counties (HSAC) Fiscal Year 2009-2010 Proposed Operating Budget and informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Committee of the Whole from further consideration of correspondence dated April 20, 2009, from the Council Chair, transmitting correspondence dated April 9, 2009, from Nestor Garcia, HSAC President, requesting the Council's approval of the HSAC FY 2009-2010 proposed operating budget;
2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 6(F) of the Rules of the Council;
3. A motion to APPROVE the proposed HSAC operating budget for FY 2009-2010;

1. COUNTY COMMUNICATIONS (continued):

4. A motion to FILE the correspondence dated April 20, 2009;
5. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
6. A motion to FILE this communication.

NO. 09-150 - COUNCIL CHAIR, relating to appointments to the Hawaii State Association of Counties (HSAC) Executive Committee and informing of his intention to offer the following motions:

1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 6(F) of the Rules of the Council;
2. A motion to APPROVE the proposed slate of Executive Committee officers: Councilmember Derek Kawakami (County of Kauai) as HSAC President, Councilmember Nestor Garcia (City and County of Honolulu) as HSAC Vice-President, Councilmember Dennis "Fresh" Onishi (County of Hawaii) as HSAC Secretary, and Councilmember Joseph Pontanilla (County of Maui) as HSAC Treasurer for Fiscal Year for FY 2009-2010;
3. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
4. A motion to FILE this communication.

NO. 09-151 - CHAIR, INFRASTRUCTURE MANAGEMENT COMMITTEE, relating to County Communication No. 09-143, from the Director of Public Works, transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT WAILUKU, MAUI, HAWAII FOR MARKET STREET IMPROVEMENTS (WELLS STREET TO MOKUHAU ROAD), FEDERAL AID PROJECT STP-3405(1)" and informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Infrastructure Management Committee from further consideration of County Communication No. 09-143;
2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 6(F) of the Rules of the Council;
3. A motion to PASS ON FIRST READING AND ORDER TO PRINT the proposed resolution;
4. A motion to FILE County Communication No. 09-143; and
5. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-152 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General for the Special Needs Advocacy Program.
- NO. 09-153 - CHIEF OF POLICE, informing of the receipt of \$4,008.25 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 09-154 - DIRECTOR OF FINANCE, transmitting 50 contracts for April 2009.
- NO. 09-155 - MAYOR, informing of the following vacancies:
1. *Board of Variances and Appeals*, due to the resignation of John Torchiana; and
 2. *Committee on the Status of Women*, due to the resignation of Paulette McFaul.
- NO. 09-156 - MAYOR, informing of a vacancy on the *Cost of Government Commission* due to the resignation of Gina Flammer.
- NO. 09-157 - COUNCIL CHAIR, relating to a request from Councilmember Michael P. Victorino for a public hearing on a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO SUPERSTORES".
- NO. 09-158 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2008 to June 30, 2009 as of March 31, 2009, and the Capital Improvement Project Report as of March 31, 2009.
- NO. 09-159 - CHAIR, SALARY COMMISSION, informing of the Salary Commission's decision to maintain the salaries of the Chief of Police, Deputy Chief of Police, and directors and deputy directors of the Department of Fire and Public Safety, Department of the Prosecuting Attorney, and Department of Liquor Control.
- NO. 09-160 - COUNCILMEMBER JOHNSON, relating to real property tax impacts.
- NO. 09-161 - COUNCIL CHAIR, transmitting a report entitled "WAILUKU CAMPUS SPACE STUDY FINAL REPORT" prepared by Munekiyo and Hiraga, Inc.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-162 - COUNCILMEMBER JOHNSON, transmitting a copy of a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, TO PROHIBIT AERIAL ADVERTISING".
- NO. 09-163 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAIOHULI-KEOKEA HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 09-164 - COUNCILMEMBER NISHIKI, relating to the West Maui recycling and redemption center.
- NO. 09-165 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS".
- NO. 09-166 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, PERTAINING TO COMMERCIAL SIGNS, CHAPTER 19.04, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, AND CHAPTER 19.06, MAUI COUNTY CODE, PERTAINING TO DISTRICTS AND BOUNDARIES, AND ESTABLISHING A NEW CHAPTER 19.11, MAUI COUNTY CODE, PERTAINING TO SERVICE BUSINESS RESIDENTIAL DISTRICT", minutes of the Maui, Molokai and Lanai Planning Commissions, and related documents.
- NO. 09-167 - 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 LOKAHI PACIFIC";
 2. A copy of the proposed Lease between the County of Maui and Lokahi Pacific, for approximately 4.02 acres of property located at Honokowai, Lahaina, Maui, Hawaii; and
 3. A copy of the proposed Grant Agreement for a Lease of County Real Property.

1. COUNTY COMMUNICATIONS (continued):

NO. 09-168 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a study prepared by SMS Research & Marketing Services, Inc. entitled "COUNTY OF MAUI HUMAN NEEDS ASSESSMENT, 2008".

NO. 09-169 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 20.24, MAUI COUNTY CODE, AND AMENDING CHAPTER 14.08, MAUI COUNTY CODE, RELATING TO RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES".

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.