

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of September 18, 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

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CLERK OF THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 EKOLU KALAMA ON WINNING THE JEVER SUP WORLD CUP 2009 AND THE 2009 RAINBOW SANDALS MOLOKAI TO OAHU PADDLEBOARD RACE"

NO. _____ - "CONGRATULATING THE HAWAIIAN CANOE CLUB FOR WINNING THE 2009 STATE CHAMPIONSHIP IN THE HAWAIIAN CANOE RACING ASSOCIATION'S AAAA DIVISION"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

1. Public hearing of May 15, 2009
2. Regular meeting of May 15, 2009

H. COMMITTEE REPORTS:

NO. 09-106 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of real property from Ka Hale Pomaikai, pursuant to Chapter 3.56 and Section 3.44.015(C), Maui County Code; and
2. **FILING** of communication.

NO. 09-107 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2010 Budget to provide funding for the Imi Ikena, Mokuhau Apartments, Hale Maunaloa, and Na Hale O Maui Affordable Housing Projects; and
2. **FILING** of communication.

NO. 09-108 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of communication relating to the County's online Request For Service (RFS) system and employees' personal use of County vehicles.

NO. 09-109 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution amending the Rules of the Council relating to meetings of the Council.

NO. 09-110 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FIRST READING** of bill to establish that the Committee on the Status of Women shall consist of seven members; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 09-111 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

REPORTING that the Committee is unable to arrive at a recommendation on a bill amending Title 20, Maui County Code, to prohibit genetically engineered kalo (taro).

1. Recommending **FILING** of communication.

NO. 09-112 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting William Moffett a three-year Conditional Permit for the operation of a single-family residence as a transient vacation rental within the R-3 Residential District for property situated at 4591 Lower Honoapiilani Road, Kahana, Maui, Hawaii; and
2. **FILING** of communication. (Kahana Nui Villas)

NO. 09-113 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Hana Community Plan and Land Use Map from Multi-Family to Park for approximately 1.907 acres situated at Hana, Maui, Hawaii for the proposed expansion of, and improvements to, Pa`ani Mai Park (TMK: (2) 1-4-06:001(por.)); and
2. **FIRST READING** of bill amending the State Land Use District Classification from Agricultural to Urban for approximately 2.946 acres situated at Hana, Maui, Hawaii for the proposed expansion of, and improvements to, Pa`ani Mai Park (TMK: (2) 1-4-06:025 and 001(por.)).

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 09-248 - CHIEF OF POLICE, informing of the receipt of \$13,705.08 in Federal Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

1. COUNTY COMMUNICATIONS (continued):

NO. 09-249 - PROSECUTING ATTORNEY, transmitting a copy of a letter from the Department of the Prosecuting Attorney, City and County of Honolulu, relating to the reimbursement of expenses for the Multidisciplinary Sexual Assault Training Conference: Collaborative Responses to Child Sex Assault to be held on Oahu from October 12 – 13, 2009.

NO. 09-250 - PROSECUTING ATTORNEY, transmitting a copy of a grant award in the amount of \$85,680 from the U.S. Department of Justice for the FY 2009 Justice Assistance Grant Program.

NO. 09-251 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of July 31, 2009.

NO. 09-252 - MAYOR, informing of the following vacancies:

1. *Maui Planning Commission*, due to the resignation of John B. Guard; and
2. *Outdoor Lighting Standards Committee*, due to the resignation of Marge Kelm.

NO. 09-253 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPOINTING THE COUNTY CLERK"; and requesting that the following motions be offered:

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

With reference to this agenda item, one or more executive meetings are anticipated, pursuant to Section 92-4, Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of officers or employees (§ 92-5(a)(2), HRS) and to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County and the Council (§ 92-5(a)(4), HRS).

NO. 09-254 - DIRECTOR OF FINANCE, informing that the detailed records and reports regarding County property for the period ending June 30, 2009, are available for inspection in the Department of Finance.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-255 - DIRECTOR OF PUBLIC WORKS, transmitting "Other Departmental Support" reports for the fourth quarter of Fiscal Year 2009, for work provided by the Department of Public Works to the Department of Environmental Management.

- NO. 09-256 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) RURAL DEVELOPMENT/RURAL BUSINESS ENTERPRISE GRANT".

- NO. 09-257 - DIRECTOR OF PARKS AND RECREATION, transmitting the following:
 - 1. A proposed resolution entitled "AUTHORIZING A GRANT TO THE MOLOKA'I LAND TRUST, PURSUANT TO SECTION 3.88, MAUI COUNTY CODE, PERTAINING TO THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES AND SCENIC VIEWS PRESERVATION FUND";
 - 2. A copy of the proposed Grant Agreement between the County of Maui and Moloka'i Land Trust; and
 - 3. Copies of public/agency comments.

- NO. 09-258 - PLANNING DIRECTOR AND DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION GENERAL PROVISIONS."

- NO. 09-259 - COUNCILMEMBER NISHIKI, transmitting a copy of the "USGA Green Section Turf Advisory Service Visit."

- NO. 09-260 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION GENERAL PROVISIONS".

- NO. 09-261 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE KAUNUOHUA AWARD, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

1. COUNTY COMMUNICATIONS (continued):

NO. 09-262 - FIRE CHIEF, transmitting a proposed resolution entitled "AMENDING RESOLUTION NO. 08-56, AUTHORIZING ACCEPTANCE OF DONATION FROM GOODFELLOW BROS., INC. TO THE COUNTY OF MAUI, DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

NO. 09-263 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of July 2009 and a revised June 2009 West Maui Groundwater Use Report.

NO. 09-264 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended August 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 72 (2009) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 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 2010, POST-EMPLOYMENT OBLIGATIONS FUND"

BILL NO. 73 (2009) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.16A, MAUI COUNTY CODE, PERTAINING TO THE ENERGY CODE"

BILL NO. 74 (2009) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 75 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.62, MAUI COUNTY CODE, PERTAINING TO FLOOD HAZARD AREAS"

BILL NO. 76 (2009) - "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"

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 69 (2009) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

BILL NO. 70 (2009) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

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.