

COUNCIL OF THE COUNTY OF MAUI

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COUNTY CLERK

A G E N D A

Regular Meeting of October 2, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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. _____ - "CONGRATULATING SUSANNE HOTTA FOR HER NATIONAL AND STATEWIDE RECOGNITION AS A LIFETIME RETAILER DEDICATED TO THE PEOPLE OF MAUI COUNTY"

NO. _____ - "CONGRATULATING THE PONO BLACK GIRLS SOFTBALL TEAM FOR ITS 2009 HAWAII AMATEUR SOFTBALL ASSOCIATION STATE CHAMPIONSHIP"

NO. _____ - "HONORING FATHER DAMIEN FOR HIS HEROIC DEVOTION TO THE CARE AND WELL-BEING OF LEPROSY PATIENTS IN KALAUPAPA, MOLOKAI"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Special Council Meeting of May 28, 2009

H. COMMITTEE REPORTS:NO. 09-114 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to reports entitled "County of Maui, Auditor's Report to Management For the Fiscal Year Ended June 30, 2008"; and "Department of Water Supply, County of Maui, Auditor's Report to Management For the Fiscal Year Ended June 30, 2008".

NO. 09-115 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report entitled "DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, (PROPRIETY FUND, COUNTY OF MAUI), Financial Statements for the Years Ended June 30, 2008 and 2007, Supplemental Schedules for the Year Ended June 30, 2008 and Independent Auditor's Report".

NO. 09-116 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report entitled "COUNTY OF MAUI, STATE OF HAWAII: SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008".

NO. 09-117 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report entitled "COUNTY OF MAUI, STATE OF HAWAII, COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008".

NO. 09-118 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 13.04, Maui County Code, to prohibit consumption of alcohol at Kamaole Beach Park I, Kihei; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 09-119 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of Road Widening Lots 14-D and 14-E, along Kamehameiki Road, Kula, consisting of approximately 7,539 square feet, affecting TMK: (2) 2-3-01:030; and
2. **FILING** of communication. (Kamehameiki-Pulehuiki Homesteads, Francina Gibbs)

NO. 09-120 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.02, Maui County Code, to establish procedures for the Department of Water Supply to update the Water Use and Development Plan and to revise the procedures for amending the Plan; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 09-265 - PROSECUTING ATTORNEY, transmitting a copy of a grant award in the amount of \$328,012 from the Department of the Attorney General, State of Hawaii for the FY 2009 American Recovery and Reinvestment Act, Edward Byrne Memorial Justice Assistance Grant Program.

NO. 09-266 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of a grant award in the amount of \$313,950 from the State of Hawaii, Department of Health, Alcohol and Drug Abuse Division, for the FY 2010 Hawaii Strategic Prevention Framework – State Incentive Grant.

NO. 09-267 - DIRECTOR OF FINANCE, transmitting 52 contracts for August 2009.

NO. 09-268 - COUNCIL CHAIR, recommending an adjustment to the Council meeting schedule for 2010, and requesting that the following motions be made:

1. A motion to WAIVE Committee referral and report of this communication;
2. A motion to RESCHEDULE the Friday, January 1, 2010 Council meeting to Tuesday, January 26, 2010; and
3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-269 - COUNCILMEMBER NISHIKI, relating to a grant received by the County of Maui to investigate Coral Reef Degradation at Ma`alaea Bay.
- NO. 09-270 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.305, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX LAND CLASSIFICATION".
- NO. 09-271 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.655, MAUI COUNTY CODE, PERTAINING TO APPEAL TO BOARD OF REVIEW".
- NO. 09-272 - BUDGET DIRECTOR, transmitting the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR GOLDEN BASEBALL LEAGUE"; and
 2. A proposed resolution entitled "AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, TO ISSUE A SPECIAL USE TYPE V PERMIT TO THE TRIPLE PLAY GROUP, LLC, FOR A PERIOD EXCEEDING THREE CONSECUTIVE DAYS, PURSUANT TO SECTION 13.04.130, MAUI COUNTY CODE".
- NO. 09-273 - COUNCILMEMBER BAISA, transmitting a draft ordinance entitled "AN ORDINANCE ACKNOWLEDGING THE REINSTATEMENT OF THE HAWAIIAN KINGDOM NATION AND THE PERFECT RIGHT OF THE REINSTATED HAWAIIAN GOVERNMENT TO INITIATE THE TRANSITION OF GOVERNMENT POWERS TO SHARE JURISDICTION AND REVENUE OF HAWAIIAN GOVERNMENT AND CROWN LANDS CURRENTLY UNDER COUNTY OF MAUI MANAGEMENT AND TO PREVENT COUNTY OF MAUI GOVERNMENT OFFICIALS AND EMPLOYEES FROM RECEIVING HUMAN RIGHTS VIOLATION(S)", and related documents.
- NO. 09-274 - FIRE CHIEF, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING TO DOCUMENT A MUTUAL AID RELATIONSHIP BETWEEN THE STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION AND THE MAUI COUNTY DEPARTMENT OF FIRE AND PUBLIC SAFETY".

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-275 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE KULAMANU RIDGE LARGE LOT SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 09-276 - COUNCILMEMBER JOHNSON, relating to County practices concerning deferral agreements, which is intended to include agreements that provide for the deferred delivery of improvements or collection of in-lieu fees under Title 18, Maui County Code, relating to subdivisions.
- NO. 09-277 - COUNCILMEMBER NISHIKI, relating to matter of phasing out the use of injections wells.
- NO. 09-278 - COUNCIL CHAIR MATEO, transmitting a letter from Edward Reinhardt, Maui Electric Company, Limited, submitting the Ninth Annual Status Report in accordance with Condition No. 6 of Ordinance No. 2879, change in zoning from Agricultural District to M-2 Heavy Industrial District (Conditional zoning), for property situated at Pulehu Nui, Wailuku, Maui, Hawaii. (New Central Maui Generation Site Subdivision).
- NO. 09-279 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "APPROVING THE DISPOSITION OF REAL PROPERTY AT THE VILLAS AT KENOLIO, KIHEI, MAUI, HAWAII (25 APUHIHI LANE, UNIT 16K) THROUGH NEGOTIATION WITHOUT AN APPRAISAL".
- NO. 09-280 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "APPROVING THE DISPOSITION OF REAL PROPERTY AT THE VILLAS AT KENOLIO, KIHEI, MAUI, HAWAII (65 HALILI LANE, UNIT 10H) THROUGH NEGOTIATION WITHOUT AN APPRAISAL".
- NO. 09-281 - COUNCILMEMBER NISHIKI, relating to the allocation of new water sources.
- NO. 09-282 - DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.12, MAUI COUNTY CODE, RELATING TO WATER AVAILABILITY".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 77 (2009) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2010, AFFORDABLE HOUSING FUND: IMI IKENA; MOKUHAU APARTMENTS; HALE MAUNALOA; AND NA HALE O MAUI AFFORDABLE HOUSING PROJECTS"
- BILL NO. 78 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.40, MAUI COUNTY CODE, PERTAINING TO THE COMMITTEE ON STATUS OF WOMEN"
- BILL NO. 79 (2009) - "A BILL FOR AN ORDINANCE GRANTING WILLIAM MOFFETT A 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"
- BILL NO. 80 (2009) - "A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN AND LAND USE MAP FROM MULTI-FAMILY TO PARK FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA'ANI MAI PARK"
- BILL NO. 81 (2009) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII FOR THE PROPOSED EXPANSION OF, AND IMPROVEMENTS TO, PA'ANI MAI PARK"
- BILL NO. 82 (2009) - "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, TO PROHIBIT GENETICALLY ENGINEERED KALO (TARO)"

L. UNFINISHED BUSINESS:

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.