

COUNCIL OF THE COUNTY OF MAUI

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COUNTY CLERK

A G E N D A

Regular Meeting of October 16, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: VICE-CHAIR MICHAEL J. MOLINA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "CONGRATULATING COUNCIL CHAIR DENNIS 'DANNY' A. MATEO, ONE OF THE 2009 TWENTY OUTSTANDING FILIPINOS ABROAD"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 09-121 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant to the Moloka'i Land Trust, pursuant to Chapter 3.88, Maui County Code, pertaining to the Open Space, Natural Resources, Cultural Resources and Scenic Views Preservation Fund; and
2. **FILING** of communication.

NO. 09-122 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 3.48.320, Maui County Code, pertaining to the assessment, for real property tax purposes, of land classified as Agriculture or Commercialized Residential and used for agriculture; and
2. **FILING** of communication.

NO. 09-123 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of the nomination of Honolulu City Councilmember Romy Cachola to the NACo Board of Directors; and
2. **TRANSMITTAL** of copy of committee report to the Hawaii State Association of Counties Executive Committee.

NO. 09-124 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Judith Mikami and Wanda McMaster to the *Council on Aging*; and David Green to the *Lanai Planning Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 09-283 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2009.

NO. 09-284 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPOINTING THE DEPUTY 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. 09-285 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2009 - FOURTH QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of June 30, 2009.

NO. 09-286 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2008 to June 30, 2009 as of June 30, 2009.

NO. 09-287 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, relating to Alu Like, Inc.'s Fiscal Year 2010 line item grant in the amount of \$25,000.

NO. 09-288 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO DISPOSAL OF COUNTY PERSONAL PROPERTY".

NO. 09-289 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, MOLOKAI COMMUNITY PLAN AREA, SANITATION, MOLOKAI LANDFILL CELL 3, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-290 - COUNCILMEMBER PONTANILLA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, PERTAINING TO THE USE OF MOBILE ELECTRONIC DEVICES WHILE DRIVING".
- NO. 09-291 - COUNCILMEMBER KAHO`OHALAHALA, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO DEVELOPMENT ON STEEP TERRAIN".
- NO. 09-292 - PLANNING DIRECTOR, relating to an application submitted by Edward D. Thielk, on behalf of Mana Foods, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO THE EDWARD D. THIELK REVOCABLE TRUST IN ORDER TO USE EIGHT OFF-SITE PARKING STALLS WITHIN THE COUNTY R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII", and related documents.
- NO. 09-293 - PLANNING DIRECTOR, transmitting documents relating to District Boundary Amendment and Change in Zoning applications filed by Munekiyo & Hiraga, Inc., on behalf of Castle & Cooke Resorts, LLC for the Miki Basin Heavy Industrial Area, Lanai, Hawaii.
- NO. 09-294 - PLANNING DIRECTOR, relating to an application submitted by Chris Borges, Maui Grown Market, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING MGM PARTNERSHIP A CONDITIONAL PERMIT FOR THE OPERATION OF A MARKET WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII", and related documents.
- NO. 09-295 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of August 2009.
- NO. 09-296 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended September 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 83 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH PARK I"

BILL NO. 84 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.02, MAUI COUNTY CODE, RELATING TO THE WATER USE AND DEVELOPMENT PLAN"

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.