

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 2, 2007
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@co.maui.hi.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. The Council shall receive oral testimony first from persons whose testimony forms are submitted prior to the convening of the meeting. Initially, three (3) minutes will be granted on each item, and at the discretion of the Council Chair, an additional minute may be granted to conclude the testimony; or an additional three (3) minutes on each item will be granted to those who are unable to conclude their testimony, after all others desiring to speak have been heard.

Thereafter, persons whose testimony forms are submitted after the meeting convenes, but before the testimony portion ends, will be allowed to present oral testimony for three minutes on each item. The Chair may grant an additional minute to conclude the testimony.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), please submit at least 24 hours before the meeting so that copies can be provided to Council Members in a timely manner.

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- A. ROLL CALL

 - B. OPENING REMARKS: COUNCILMEMBER MICHAEL J. MOLINA

 - C. PLEDGE OF ALLEGIANCE

 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING GEORGE KAHUMOKU, RICHARD HO'OPI'I, PETER DE AQUINO, GARRETT PROBST, AND KEOKI KAHUMOKU FOR THEIR PERFORMANCE ON THE ALBUM THAT WON THE '2007 BEST HAWAIIAN MUSIC ALBUM OF THE YEAR' AT THE 49TH ANNUAL GRAMMY AWARDS"

NO. _____ - "CONGRATULATING BALDWIN HIGH SCHOOL'S FATHER-AND-SON COACH DUO FOR CAPTURING THE DATA HOUSE DIVISION I STATE SOFTBALL CHAMPIONSHIP TITLE"

NO. _____ - "CONGRATULATING BALDWIN HIGH SCHOOL ON CAPTURING THE DATA HOUSE DIVISION I STATE SOFTBALL CHAMPIONSHIP TITLE"

NO. _____ - "CONGRATULATING NICOLE ALCONCEL FOR BEING NAMED KHON CHANNEL 2 NEWS PLAYER OF THE WEEK, MAUI INTERSCHOLASTIC LEAGUE PLAYER OF THE YEAR FOR 2005, 2006 AND 2007, AND ALL-TOURNAMENT TEAM'S MOST OUTSTANDING PLAYER"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of January 5, 2007

H. COMMITTEE REPORTS:

NO. 07-13 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to salary increases for department heads and deputies.

NO. 07-14 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to salary increase for the Director of Liquor Control.

NO. 07-15 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2007 Budget for the County of Maui as it pertains to the Department of Water Supply; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 07-16 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2007 Budget by increasing Carryover/Savings in the General Fund and the appropriation for the Recreation and Support Services Program, Department of Parks and Recreation, by \$103,000; and
2. **FILING** of communication.

NO. 07-17 - LAND USE COMMITTEE:

Recommending **FILING** of communication relating to a request from Alex Lovejoy and Jed Buckner for a one-year Conditional Permit to operate a transient vacation rental in four bedrooms of a five-bedroom farm dwelling on approximately two acres of land at 93 Ulumalu Road, Haiku, Maui, Hawaii (TMK: (2) 2-8-02:187).

NO. 07-18 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Robert Hill to the ***Affirmative Action Advisory Council***; Kelli Myers to the ***Board of Water Supply***; Blake Takayama to the ***Fire and Public Safety Commission***, and Reverend Andrew Valentine, Jr. to the ***Maui County Commission on Persons with Disabilities***; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 07-19 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing additional compensation for special counsel in Trinidad K. Alconcel, et al. v. County of Maui, Hawaii; Civil No. CV05-00280 SPK BMK.

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. 07-20 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing additional compensation for special counsel in Jack Henry Williams, Jr., et al. v. County of Maui, Hawaii; Civil No. CV05-00278 DAE LEK.

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.

NO. 07-21 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into a supplemental agreement with the State to compensate the County an additional \$9,495 for services performed under the Memorandum of Agreement (relating to the Statewide Program on Parking for Persons with Disabilities) executed on April 17, 2006; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 07-83 - DIRECTOR OF FINANCE, transmitting 117 contracts for December 2006.

NO. 07-84 - MAYOR, informing of the resignation of Veronica Yamanoha as a member of the Council on Aging.

NO. 07-85 - MAYOR, informing of her resignation as the County Council's representative on the Kula Agricultural Park Committee, and requesting that the Council provide written notification of her replacement.

NO. 07-86 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, THE DEPARTMENT OF WATER SUPPLY, TOTAL OPERATING APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-87 - BRIAN T. MOTO, ACTING CORPORATION COUNSEL, and BENJAMIN M. ACOB, ACTING PROSECUTING ATTORNEY, transmitting their recommendations regarding the salary plan for deputies corporation counsel and deputies prosecuting attorney, and also transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY".
- NO. 07-88 - MAYOR, transmitting the cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 11, FIRE FIGHTERS".
- NO. 07-89 - DIRECTOR OF FINANCE, transmitting a report on transfers from the General Fund to the Bond Fund as of January 31, 2007.
- NO. 07-90 - BUDGET DIRECTOR, transmitting the Capital Improvement Projects Implementation Report for Fiscal Year 2007, Second Quarter, as of December 31, 2006.
- NO. 07-91 - DIRECTOR OF PLANNING, relating to the County of Maui abandoned vehicle facility, transmitting copies of pertinent documents and the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII";
 2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PROJECT DISTRICT 10 TO HEAVY INDUSTRIAL FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII"; and
 3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-2 HEAVY INDUSTRIAL (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII".
- NO. 07-92 - DIRECTOR OF PLANNING, relating to the Central Maui Baseyard, transmitting copies of pertinent documents and the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM M-1 LIGHT INDUSTRIAL TO M-2 HEAVY INDUSTRIAL FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII";

1. COUNTY COMMUNICATIONS (continued):

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM M-1 LIGHT INDUSTRIAL TO M-2 HEAVY INDUSTRIAL FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM M-1 LIGHT INDUSTRIAL TO M-2 HEAVY INDUSTRIAL FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-2 HEAVY INDUSTRIAL (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-1 LIGHT INDUSTRIAL TO M-2 HEAVY INDUSTRIAL (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII"; and
6. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-1 LIGHT INDUSTRIAL DISTRICT TO M-2 HEAVY INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII".

NO. 07-93 - MAYOR, transmitting a copy of a letter from Major General Robert G. F. Lee, Director of Civil Defense for the State of Hawaii, appointing the Mayor as the Deputy Director of Civil Defense for the County of Maui, subject to approval by the County Council.

NO. 07-94 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of December 31, 2006.

NO. 07-95 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION IMPROVEMENTS".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 1 (2007) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF POLICE"

BILL NO. 2 (2007) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT"

BILL NO. 3 (2007) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.040, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING REQUIREMENTS"

BILL NO. 4 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.60, MAUI COUNTY CODE, PERTAINING TO PEDESTRIANS"

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.