

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of October 19, 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 BILL KAUAKEA MEDEIROS
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTION
 - E. CEREMONIAL RESOLUTION:

NONE

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of August 21, 2007

H. COMMITTEE REPORTS:NO. 07-113 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Goodfellow Bros., Inc. a ten-year Conditional Permit for the operation of offices, a rock crushing facility, a construction baseyard facility, and for aggregate and materials storage within the County Agricultural District for property situated at Kihei, Maui, Hawaii (TMK: (2) 2-2-02:054 (por.) and (2) 2-2-02:069 (por.)); and
2. **FILING** of communication.

NO. 07-114 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Demian Dressler to the *Animal Control Board*; C. Gretchen Guy and Peter Soman to the *Board of Ethics*; Marlene Young, Kathi Mukai, and Masami Hironaka to the *Council on Aging*; Stanley Ruidas to the *Lanai Planning Commission*; Peggy Haake to the *Salary Commission*; and Ty Takeno to the *Subdivision Engineering Standards Committee*;
2. **DISAPPROVAL** of Douglas Ward Mardfin to the *Maui Planning Commission*; and
3. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 07-115 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Lisa Louis v. County of Maui, Department of Police, Case Nos. 7-01-03652 and 7-04-00050.

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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

H. COMMITTEE REPORTS (continued):

NO. 07-116 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the employment of Alston Hunt Floyd & Ing as the County's special counsel for the possible acquisition of Na Wai Eha watershed lands and/or water-related assets owned by Wailuku Water Company, for a total compensation of up to \$75,000.

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. 07-117 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the County of Maui to apply for the designation of the County as a "Preserve America Community" to improve the County's ability to protect and promote its historical resources; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 07-286 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the Department of the Attorney General for the Career Criminal Prosecution Program for the period July 1, 2007 to June 30, 2009.

NO. 07-287 - DIRECTOR OF FINANCE, transmitting a report of transfer/loans from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2007.

NO. 07-288 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2007.

NO. 07-289 - MAYOR informing of a vacancy on the Cost of Government Commission due to the resignation of Fred Schwettmann.

1. COUNTY COMMUNICATIONS (continued):

NO. 07-290 - BUDGET DIRECTOR, transmitting the Capital Improvement Projects Implementation Report for the Fiscal Year 2007 Fourth Quarter (as of June 30, 2007).

NO. 07-291 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008 COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES AND CAPITAL IMPROVEMENT PROJECTS";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE CENTRAL MAUI LANDFILL GAS COLLECTION AND FLARE SYSTEM"; and
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE MOLOKAI LANDFILL CELL #3 CONSTRUCTION".

NO. 07-292 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY".

NO. 07-293 - 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 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 60 (2007) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 1585 (CONDITIONAL ZONING) FOR B-2 COMMUNITY BUSINESS DISTRICT PROPERTY SITUATED AT 232 LAHAINALUNA ROAD AND 242 LAHAINALUNA ROAD, LAHAINA, MAUI, HAWAII"

BILL NO. 61 (2007) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 1537 (CONDITIONAL ZONING) FOR B-2 COMMUNITY BUSINESS DISTRICT PROPERTY SITUATED AT 252 LAHAINALUNA ROAD, LAHAINA, MAUI, HAWAII"

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.