

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of September 23, 2008
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. 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 GLADYS C. BAISA
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTION
 - E. CEREMONIAL RESOLUTION:

NONE

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 08-109 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the State Land Use District Classification from Agricultural District to Rural District for property located at 2810 Kokomo Road, Haiku, Maui, Hawaii (TMK: (2) 2-7-01:024(por.));
2. **FIRST READING** of bill to establish RU-0.5 Rural District Zoning for property located at 2810 Kokomo Road, Haiku, Maui, Hawaii (TMK: (2) 2-7-01:024(por.)); and
3. **FILING** of communication. (Jordan Canha, Sr.)

NO. 08-110 - LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the action of the Maui Planning Commission granting a Type 3 Bed and Breakfast Home Permit for The Guesthouse Bed and Breakfast on approximately 10,585 square feet in the R-3 Residential District, located at 1620 Ainakea Road, Lahaina, Maui, Hawaii (TMK: (2) 4-5-27:022); and
2. **FILING** of communication. (Tanna Swanson, The Guesthouse Bed and Breakfast)

NO. 08-111 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVE** the following proposals for inclusion in the 2009 Hawaii State Association of Counties (HSAC) Legislative Package:
 - a. a proposed bill entitled "A BILL FOR AN ACT RELATING TO HOUSING" and justification sheet;
 - b. a proposed bill entitled "A BILL FOR AN ACT RELATING TO PROCUREMENT" and justification sheet; and
 - c. a proposed bill entitled "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS" and justification sheet; and
2. **TRANSMITTAL** of committee report to the HSAC Executive Committee.

H. COMMITTEE REPORTS (continued):NO. 08-112 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of donation of a 1996 Jeep Grand Cherokee from Mark and Anna Ramsey to the Department of Housing and Human Concerns, Kaunoa Senior Services, County of Maui, Pursuant to Chapter 3.56, Maui County Code; and
2. **FILING** of communication.

NO. 08-113 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying Herbert Kinores, Jr., a County employee, in Dolores Abreu v. Herbert Kinores, Jr., et al., Civil No. 07-1-0216(1).

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.

NO. 08-114 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the cancellation of two County easements, used for public pedestrian walkway purposes, beginning at Lunalilo Street and ending at Lower Main Street in Wailuku, Maui, TMK: (2) 3-4-39:portion of 028 and 051; and
2. **FILING** of communication.

NO. 08-115 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of seven road widening lots for the Waiolani Mauka Subdivision, located in Waikapu, Maui, on the westerly side of Honoapiilani Highway and the northerly side of Piliikana Street, TMK: (2) 3-5-32:111;
2. **ADOPTION** of resolution accepting roadway, access, sewer, water and drainage easement for the Waiolani Mauka Subdivision, TMK: (2) 3-5-32:portion of 108;
3. **ADOPTION** of resolution accepting dedication of sewerline and drainage easement for the Waiolani Mauka Subdivision, TMK: (2) 3-5-32:107; and
4. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 08-206 - PROSECUTING ATTORNEY, informing of the Department of the Prosecuting Attorney's intent to expend approximately \$55,000 in Forfeiture Funds for training, computers, and equipment.
- NO. 08-207 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Nalani Archibeque.
- NO. 08-208 - COUNCIL CHAIR, informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Public Works and Facilities Committee from further consideration of County Communication No. 08-176;
 2. A motion to REFER County Communication No. 08-176 to the Budget and Finance Committee; and
 3. A motion to FILE this communication.
- NO. 08-209 - DIRECTOR OF FINANCE, transmitting a report reviewing taxicab rate of fare and baggage charges.
- NO. 08-210 - DIRECTOR OF FINANCE, transmitting a report on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2008.
- NO. 08-211 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF POLICE CAPITAL IMPROVEMENT PROJECTS".
- NO. 08-212 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting the following:
1. A copy of the draft "CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR PROGRAM YEAR 2007 (JULY 1, 2007 THROUGH JUNE 30, 2008)"; and
 2. A copy of the "ANNUAL ACTION PLAN (AAP) OF THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2008 (JULY 1, 2008 THROUGH JUNE 30, 2009)".

1. COUNTY COMMUNICATIONS (continued):

NO. 08-213 - PLANNING DIRECTOR, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE MAUI GENERAL PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT MAUI ISLAND PLAN".

NO. 08-214 - 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 2008.

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

NONE

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.