

**COUNCIL OF THE COUNTY OF MAUI**

**A G E N D A**

Regular Meeting of September 21, 2010  
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](mailto:county.clerk@mauicounty.us)

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OFFICE OF THE  
COUNTY CLERK

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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER GLADYS C. BAISA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "RECOGNIZING SHERI DANIELS AND ALEXIS DASCOULIAS FOR BEING NAMED TWO OF HAWAII'S 2010 FORTY UNDER 40, BY PACIFIC BUSINESS NEWS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 10-97 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 3.35, Maui County Code, pertaining to the approval of projects from the Affordable Housing Fund; and
2. **FILING** of communication.

NO. 10-98 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the expenditure of \$1,100,000 to Na Hale O Maui Acquisition and Rehabilitation of Foreclosed Homes Project, pursuant to Section 3.35.100(a), Maui County Code, pertaining to the Affordable Housing Fund;
2. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2011 Budget for the County of Maui as it pertains to the Affordable Housing Fund, by adding a proviso that \$1,100,000 from the Affordable Housing Fund be granted to Na Hale O Maui for the acquisition and rehabilitation of foreclosed homes to be offered to qualified buyers not exceeding 120 percent of area median income and deleting the proviso that \$81,000 from the Affordable Housing Fund be for a grant to Na Hale O Maui for a community land trust in Fiscal Year 2011; and
3. **FILING** of communications.

NO. 10-99 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of James Shefte to the *Council on Aging*; Warren Osako to the *Maui County Cultural Resources Commission*; and John "Morgan" Gerdel to the *Urban Design Review Board*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

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#### H. COMMITTEE REPORTS (continued):

##### NO. 10-100 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of 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 are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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), HRS, 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. 10-101 - LAND USE COMMITTEE:

Recommending **FILING** of communication transmitting a draft bill for a Change in Zoning from A-2 Apartment District to PK-4 Golf Course Park District for certain parcels of land in Kaanapali, Maui (TMK: (2) 4-4-13:003, TMK: (2) 4-4-08:009, TMK: (2) 4-4-08:010, and TMK: (2) 4-4-08:014)

#### I. COMMUNICATIONS:

##### 1. COUNTY COMMUNICATIONS:

NO. 10-195 - DIRECTOR OF FINANCE, transmitting 103 contracts/grants for July 2010.

NO. 10-196 - MAYOR, informing of the appointment of Dennyse Grace to the *Committee on the Status of Women*.

NO. 10-197 - MAYOR, informing of a vacancy on the *Affirmative Action Advisory Council* due to the resignation of Sherry Duong.

NO. 10-198 - COUNCIL CHAIR MATEO, recommending an adjustment to the Council meeting schedule for October, 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, October 22, 2010 Council meeting to Tuesday, October 19, 2010; and
3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-199 - COUNCIL VICE CHAIR MOLINA, relating to County Communication No. 09-82, transmitting two proposed bills entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS"; and "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS" and informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Planning Committee from further consideration of County Communication No. 09-82 and requesting that the matter be REFERRED to another committee; and
  2. A motion to FILE this communication.
- NO. 10-200 - COUNCIL VICE CHAIR MOLINA, relating to County Communication No. 10-11, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO SMALL WIND ENERGY SYSTEMS"; and a draft resolution entitled "REFERRING TO THE LANAI, MAUI AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL AMENDING CHAPTER 19, MAUI COUNTY CODE, RELATING TO SMALL WIND ENERGY SYSTEMS" and informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Planning Committee from further consideration of County Communication No. 10-11 and requesting that the matter be REFERRED to another committee; and
  2. A motion to FILE this communication.
- NO. 10-201 - COUNCILMEMBER PONTANILLA, relating to the status of all projects funded through the Affordable Housing Fund.
- NO. 10-202 - DIRECTOR OF PUBLIC WORKS, transmitting "Other Departmental Support" reports for the fourth quarter of Fiscal Year 2010 and the end of year report, for work provided by the Department of Public Works to the Department of Environmental Management.
- NO. 10-203 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PARKS AND RECREATION, STATE OF HAWAII".

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-204 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; LANAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, LANAI SENIOR CENTER, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2011".
- NO. 10-205 - BUDGET DIRECTOR, transmitting copies of documents and the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND"; and
  2. A proposed resolution entitled "AUTHORIZING THE PURCHASE OF A LOWER WAIEHU BEACH ROAD OCEANFRONT PARCEL, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 10-206 - DIRECTOR OF FINANCE, informing that the detailed records and reports regarding County property for the period ending June 30, 2010, are available for inspection in the Department of Finance.
- NO. 10-207 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2009 to June 30, 2010 as of June 30, 2010, and the Capital Improvement Project Report as of June 30, 2010.
- NO. 10-208 - DIRECTOR OF PUBLIC WORKS, transmitting the Fiscal Year 2010 Fourth Quarter and Fiscal Year 2011 First Quarter status reports on County road resurfacing projects.
- NO. 10-209 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR HIGHWAY FUND, CHARGES FOR CURRENT SERVICES, PUBLIC TRANSIT FARES".

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-210 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.09, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS", and minutes of the Maui, Molokai and Lanai Planning Commissions.
- NO. 10-211 - COUNCIL CHAIR MATEO, transmitting a letter from Edward Reinhardt, President, Maui Electric Company, Ltd., submitting the "TENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.
- NO. 10-212 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of July 2010.
- NO. 10-213 - 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 2010.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 60 (2010) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011, AFFORDABLE HOUSING FUND, HABITAT FOR HUMANITY MAUI - KAHAWAI PROJECT"
- BILL NO. 61 (2010) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; HANA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, KAHOLOPOO AND PAPAHAHAWA BRIDGE REPLACEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

K. ORDINANCES - SECOND AND FINAL READING (continued):

- BILL NO. 62 (2010) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3749 BILL NO. 37 (2010) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI "
- BILL NO. 63 (2010) - "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM RURAL TO SINGLE-FAMILY FOR PROPERTIES SITUATED AT TAX MAP KEY NUMBERS (2) 3-5-003:005 AND (2) 3-5-003:006, WAILUKU, MAUI, HAWAII"
- BILL NO. 64 (2010) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM RURAL TO URBAN FOR PROPERTIES SITUATED AT TAX MAP KEY NUMBERS (2) 3-5-003:005 AND (2) 3-5-003:006, WAILUKU, MAUI, HAWAII"
- BILL NO. 65 (2010) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTIES SITUATED AT TAX MAP KEY NUMBERS (2) 3-5-003:005 AND (2) 3-5-003:006, WAILUKU, 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.**