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**COUNCIL OF THE COUNTY OF MAUI**

2011 MAR 10 PM 2: 20

**A G E N D A**

Regular Meeting of March 18, 2011  
9:00 a.m.

OFFICE OF THE  
COUNTY CLERK

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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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: VICE-CHAIR JOSEPH PONTANILLA
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
  - E. CEREMONIAL RESOLUTIONS:  
  
NONE
  - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of February 4, 2011  
Regular Meeting of February 18, 2011

H. COMMITTEE REPORTS:NO. 11-13 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the Mayor to execute and file an application with the United States Department of Housing and Urban Development for a grant of \$1,927,876 under the CDBG Program for the 2011 Program Year (Fiscal Year 2012); and
2. **FILING** of communication.

NO. 11-14 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 3.35, Maui County Code, to conform to Section 9-20, Revised Charter of the County of Maui (1983), as amended, relating to the Affordable Housing Fund, which became effective November 23, 2010; and
2. **FILING** of communication.

NO. 11-15 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize a 35-year lease to the Boys & Girls Clubs of Maui, Inc., at a nominal rent of \$1 a year, to occupy a youth center facility, surrounding paved area, and combined adjacent bus parking and loading zone area, consisting of approximately 16,315 square feet, located at TMK: (2) 4-6-12:005 (portion), in the vicinity of the Lahaina Recreation Center, Lahaina, Maui; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 11-16 - LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve with modifications the development of the proposed Kaiwahine Village on approximately 9.289 acres at the intersection of Kaiwahine Street and Hale Kai Street in Kihei, Maui, Hawaii, TMK: (2) 3-8-04:028, pursuant to Section 201H-38, Hawaii Revised Statutes ("HRS");
2. **FILING** of resolution to approve the Kaiwahine Village pursuant to Section 201H-38, HRS; and
3. **FILING** of resolution to disapprove the Kaiwahine Village pursuant to Section 201H-38, HRS.

NO. 11-17 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring a draft bill amending Title 19, Maui County Code, relating to short-term rental homes, to the Lanai, Maui, and Molokai Planning Commissions.

NO. 11-18 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 19.04.040, Maui County Code, relating to the definition of height; and
2. **FILING** of communication.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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. 11-19 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Leis Family Limited Partnership v. Institutorm Technologies, Inc., and County of Maui, Civil No. 09-1-0356(3).

*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.*

H. COMMITTEE REPORTS (continued):NO. 11-20 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Tracy Motelewski v. Maui Police Department, et al., Civil No. 10-1-0162(3).

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), 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. 11-21 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Section 14.12.030, Maui County Code, to establish additional exemptions to the County's Water Availability Policy; and;
2. **FILING** of communication.

NO. 11-22 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amending Title 14, Maui County Code, to codify the Department of Water Supply's rules and regulations relating to water services, applications, installations, fire flow regulations, water pressure, and equipment; and;
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 11-87 - CHIEF OF POLICE, informing of the receipt of \$5,157.30 in Forfeiture Funds from the U.S. Department of Justice, Drug Enforcement Agency.

NO. 11-88 - CHIEF OF POLICE, informing of the receipt of \$2,494.75 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

1. COUNTY COMMUNICATIONS (continued):

NO. 11-89 - DIRECTOR OF FINANCE, transmitting 24 contracts/grants for January 2011.

NO. 11-90 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended February 2011.

NO. 11-91 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF 3 LOTS IN THE KULAMALU COMMERCIAL SUBDIVISION PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

NO. 11-92 - MAYOR, transmitting a proposed resolution entitled "ACCEPTING REAL PROPERTY SITUATE AT KIHEI, WAILUKU, MAUI, HAWAII, FROM STATE OF HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE, AND SECTION 171-11, HAWAII REVISED STATUTES".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 8 (2011) - "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 HOUSING AND HUMAN CONCERNS"

L. UNFINISHED BUSINESS:

NONE.

**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.**