

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of April 15, 2011  
9:00 a.m.  
Council Chamber  
8th Floor, Kalana O Maui Building  
200 South High Street, Wailuku, Hawaii

OFFICE OF THE  
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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:           COUNCILMEMBER MIKE WHITE
  - 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 March 4, 2011

H. COMMITTEE REPORTS:NO. 11-36 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the transfer of an unencumbered appropriation balance of \$205,000 within the Department of Environmental Management, from the Landfill Disposal Program – Solid Waste Management Fund to the Residential Collection Program – Solid Waste Management Fund, to be used exclusively for fuel costs and maintenance expenses; and
2. **FILING** of communication.

NO. 11-37 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2011 Budget by deleting various grants and disbursements, including the \$375,000 appropriation for grants and disbursements for Paratransit services, and establishing new programs within the Department of Transportation; and increasing the appropriation for the Public Transit Program – Highway Fund, by \$790,000, from \$7,002,500 to \$7,792,500; and
2. **FILING** of communication.

NO. 11-38 - POLICY COMMITTEE:

Recommending **FILING** of correspondence dated March 10, 2011, from the Department of the Corporation Counsel, regarding the status of Richard Certo, et al. v. County of Maui, et al., Civil No. 09-1-0438(1).

*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.*

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H. COMMITTEE REPORTS (continued):

NO. 11-39 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim of Robert Nakasato, Claim No. 2009-008.

*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.*

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 11-105 - EMERGENCY MANAGEMENT OFFICER, transmitting a copy of a grant award letter from the State of Hawaii, Department of Defense for reimbursement for the Tsunami Preparedness Symposium.

NO. 11-106 - DIRECTOR OF FINANCE, transmitting 41 contracts/grants for February 2011.

NO. 11-107 - MAYOR, informing of a vacancy on the *Board of Code Appeals* due to the resignation of Gary Marshall.

NO. 11-108 - MAYOR, informing of a vacancy on the *Civil Service Commission* due to the resignation of David Hunkins.

NO. 11-109 - MAYOR, informing of a vacancy on the *Cost of Government Commission* due to the resignation of Ivan Lay.

NO. 11-110 - MAYOR, informing of the appointment of William Jacintho, Jean Pezzoli, and Christopher Reynolds to the *Maui County Arborist Committee*.

NO. 11-111 - MAYOR, informing of the appointment of Carol Reimann and Susan "Netra" Halperin to the *Committee on the Status of Women*.

NO. 11-112 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended March 2011.

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-113 - COUNCILMEMBER CARROLL, proposing an amendment to correct a clerical error in Bill No. 15 (2011) entitled "A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A TRANSIENT VACATION RENTAL OFFICE WITHIN THE COUNTY A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 280 HAUOLI STREET, MAALAEA, MAUI, HAWAII".
- NO. 11-114 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a draft copy of the "ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2011 (JULY 1, 2011 THROUGH JUNE 30, 2012)".
- NO. 11-115 - DIRECTOR OF TRANSPORTATION, transmitting a response to an inquiry from Blackie Gadarian on the relocation of the Wharf Transit Hub for the Maui Bus.
- NO. 11-116 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT AT THE INTERSECTION OF HAIKU ROAD AND WEST KUIAHA ROAD, HAIKU, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 11-117 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE KAMAOLE HOMESTEADS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 11-118 - FIRE CHIEF, transmitting copies of the "MAUI COUNTY DEPARTMENT OF FIRE & PUBLIC SAFETY - MASTER STRATEGIC PLAN - DECEMBER 2010".
- NO. 11-119 - EMERGENCY MANAGEMENT OFFICER, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR GRANTING OF LICENSES FOR ACCESS, INSTALLATION AND MAINTENANCE OF SIRENS OF THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM AS PART OF THE HAWAII EMERGENCY ALERT SYSTEM".
- NO. 11-120 - COUNCIL CHAIR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 13 (2011) - "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, SELF-HELP HOUSING CORPORATION OF HAWAII FOR THE HELANI GARDENS PROJECT IN HANA, MAUI"
- BILL NO. 14 (2011) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, DEPARTMENT OF FIRE AND PUBLIC SAFETY, AND PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011"
- BILL NO. 15 (2011) - "A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A TRANSIENT VACATION RENTAL OFFICE WITHIN THE COUNTY A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 280 HAUOLI STREET, MAALAEA, MAUI, HAWAII"
- BILL NO. 16 (2011) - "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR TAX MAP KEY NUMBER (2) 3-9-004:025, KIHEI, MAUI, HAWAII"
- BILL NO. 17 (2011) - "A BILL FOR AN ORDINANCE TO ESTABLISH SOLAR ENERGY FACILITIES AS PERMITTED USES IN THE AGRICULTURAL ZONING DISTRICT"
- BILL NO. 18 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.32, MAUI COUNTY CODE, RELATING TO PLANNED DEVELOPMENT"

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

BILL NO. 19 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36A, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING"

BILL NO. 20 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.40, MAUI COUNTY CODE, RELATING TO CONDITIONAL PERMITS"

BILL NO. 21 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.45, MAUI COUNTY CODE, RELATING TO PROJECT DISTRICT PROCESSING REGULATIONS"

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.**