

**COUNCIL OF THE COUNTY OF MAUI**

RECEIVED

2012 SEP 14 PM 2: 54

**A G E N D A**

Regular Meeting of September 21, 2012  
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)

---

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

---

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER ELLE COCHRAN

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING THE FOURTH GRADERS OF LANA'I HIGH AND ELEMENTARY SCHOOL FOR WINNING THE PROJECT EARTH 2012 EARTH DAY CONTEST'S BEST ORIGINAL SONG/VIDEO PRESENTATION"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

None.

H. COMMITTEE REPORTS:NO. 12-101 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by adding a \$3,000 grant revenue appropriation to the Office of the Mayor for the "Hawaii State Commission on the Committee on the Status of Women" grant; and
2. **FILING** of communication.

NO. 12-102 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve a park assessment agreement for the Wailuku-Kahului Project District 3 (Kehalani) that includes the dedications of a Makai Park and four privately owned and maintained Pocket Parks without parking areas and comfort stations, and a Mauka Park with a parking area and comfort station, for a total of approximately 27.5 acres; and
2. **FILING** of communication. (Kehalani Holdings Company, Inc. and Kehalani Mauka LLC)

NO. 12-103 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from Seabury Hall of road widening Lot 1-C, consisting of 0.3 acre, along Hanamu Road and Meha Road in Makawao, Maui, Hawaii, identified as TMK: (2) 2-4-008:001 and (2) 2-4-008:002, for public purposes; and
2. **FILING** of communication. (Seabury Hall Subdivision)

NO. 12-104 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication of a perpetual, non-exclusive, sewerline easement from Alexander & Baldwin, Inc., within property situated in Wailuku, Maui, Hawaii, and identified as TMK: (2) 3-4-003:020; and
2. **FILING** of communication. (EPA Consent Decree Sewerline Rehabilitation Project)

H. COMMITTEE REPORTS (continued):NO. 12-105 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a Council-initiated request for a Change in Zoning from R-3 Residential District to P-1 Public/Quasi-Public District for the following three properties in Kahului, Maui, Hawaii: 132,080 square feet of land located at 309 South Puunene Avenue, the site of the Kahului Baptist Church; 57,000 square feet of land located at 291 South Puunene Avenue, the site of the Kahului Hongwanji Mission; and 75,512 square feet of land located at 261 South Puunene Avenue, the site of the Kahului Seventh-Day Adventist Church; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:NO. 12-189 - DIRECTOR OF FINANCE, transmitting 112 contracts/grants for July 2012.NO. 12-190 - ACTING MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Maria Zielinski.NO. 12-191 - 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 2012.NO. 12-192 - CHAIR, POLICY COMMITTEE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Policy Committee from further consideration on a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2013 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL REQUIRING THE LABELING OF GENETICALLY ENGINEERED FOOD PRODUCTS";
2. A motion to WAIVE the requirement of committee report as provided for in Rule 7(E) of the Rules of the Council to enable Council to consider the proposed resolution; and
3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 12-193 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2013 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL REQUIRING THE LABELING OF GENETICALLY ENGINEERED FOOD PRODUCTS" and informing of her intention to offer the following motions:

1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
2. A motion to ADOPT the proposed resolution; and
3. A motion to FILE this communication.

NO. 12-194 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, WATER SUPPLY, WAIKAMOI FLUME REPLACEMENT, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3954, BILL NO. 46 (2012), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAMOI FLUME REPLACEMENT)".

NO. 12-195 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; AND CAPITAL IMPROVEMENT PROJECT, WEST MAUI COMMUNITY PLAN AREA, SEWER, WEST MAUI RECYCLED WATER SYSTEM EXPANSION"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3954, BILL NO. 46 (2012), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WEST MAUI RECYCLED WATER SYSTEM EXPANSION)".

NO. 12-196 - BUDGET DIRECTOR, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; CAPITAL IMPROVEMENT PROJECTS, FROM THE HIGHWAY FUND, COUNTYWIDE; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATION; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2013".

1. COUNTY COMMUNICATIONS (continued):

- NO. 12-197 - BUDGET DIRECTOR, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, HUMAN SERVICE TRANSPORTATION PROGRAM - GENERAL FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2013".
- NO. 12-198 - DIRECTOR OF PARKS AND RECREATION, transmitting a list of permits and activities which are co-sponsored by the County and/or exceed three consecutive days.
- NO. 12-199 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF TWO (2) 2012 TREK 18" POLICE MODEL BICYCLES FROM DELTA EXECUTIVE SECURITY HAWAII, LLC. TO THE DEPARTMENT OF POLICE, COUNTY OF MAUI, PURSUANT TO SECTION 13-8, REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AND CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 12-200 - PLANNING DIRECTOR, transmitting a copy of a letter from Supervising Deputy Attorney General Hugh R. Jones to J. Kevin Jenkins, Esq. regarding the Wailuku Main Street Association.
- NO. 12-201 - COUNCILMEMBER BAISA, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 6.04, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 70 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 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 FIRE AND PUBLIC SAFETY"

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

- BILL NO. 71 (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PROHIBITING ALCOHOL IN COUNTY PARKS WHERE YOUTH CENTERS ARE LOCATED"
- BILL NO. 72 (2012) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO M-1 LIGHT INDUSTRIAL DISTRICT"
- BILL NO. 73 (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO M-2 HEAVY INDUSTRIAL DISTRICT"
- BILL NO. 74 (2012) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO M-3 RESTRICTED INDUSTRIAL DISTRICT"
- BILL NO. 75 (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF THE GENERAL PLAN"
- BILL NO. 76 (2012) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.03.020, MAUI COUNTY CODE, RELATING TO WATER CONSERVATION PLAN DEADLINES"

L. UNFINISHED BUSINESS:COMMITTEE REPORT:NO. 12-90 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a lease, until June 30, 2026, to the Veterans of Foreign Wars of the United States Wilbert Wah Hutom Post 3850, of approximately 0.398 acre of State-owned land located at 1136 Uluniu Road, Kihei, Maui, Hawaii, and approximately 1.880 acres of State-owned land adjacent thereto, for veterans center and community support activities purposes; and
2. **FILING** of communication.

L. UNFINISHED BUSINESS (continued):

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 67 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS PROGRAM"

**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.**