

**COUNCIL OF THE COUNTY OF MAUI**

**A G E N D A**

Regular Meeting of July 23, 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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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 BILL KAUAKEA MEDEIROS

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING TIMOTHY JENKINS AND COLIN MULVIHILL FOR WINNING THE OPERATION DRIVER EXCELLENCE TEAM COMPETITION"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 10-67 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to reports for the first, second, and third quarters of Fiscal Year 2010 regarding County road resurfacing projects.

NO. 10-68 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the Wailuku Municipal Parking Structure.

NO. 10-69 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to reports for the fourth quarter of Fiscal Year 2008, all four quarters of Fiscal Year 2009, and the first three quarters of Fiscal Year 2010 entitled "Other Departmental Support", summarizing monthly services provided to the Department of Environmental Management by the Department of Public Works.

NO. 10-70 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FIRST READING** of resolution to place the following question on the 2010 general election ballot: "Should a minimum of two percent (2%) of the certified real property tax revenues for fiscal years 2008 through 2015 be appropriated into an affordable housing fund to be used for the provision, protection, and expansion of affordable housing and suitable living environments for persons of very low to gap income?"; and
2. **FILING** of Committee Report No. 10-55.

NO. 10-71 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 18.04, Maui County Code, to authorize the Director of Public Works, after consultation with the Planning Director, to approve a proposed subdivision, provided that land uses within the subdivision are "consistent" with--even if they do not necessarily "conform to"--the County General Plan, the community plan, zoning, and the State land use classification; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 10-72 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **FILING** of communications relating to semi-annual reports for park dedications for each community plan area, period of April 1, 2009 through September 30, 2009, and October 1, 2009 through March 31, 2010.

NO. 10-73 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the adoption of a revised records disposition schedule for the Department of Police pursuant to Section 46-43, Hawaii Revised Statutes; and
2. **FILING** of communication.

NO. 10-74 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Title 11, Maui County Code, adding a definition for "County bus stop", and a new Chapter establishing bus stops, and related provisions governing parking, crosswalks, and advertising; and
2. **FILING** of communication.

NO. 10-75 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Article 1, Title 14 (County Water Code), relating to water rates for agricultural consumers; and
2. **FILING** of Committee Report No. 10-43.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 10-139 - DIRECTOR OF FINANCE, transmitting 37 contracts for May 2010.

NO. 10-140 - PROSECUTING ATTORNEY, informing of the Department of the Prosecuting Attorney's intent to expend approximately \$50,000 in Forfeiture Funds for training, computers and equipment.

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-141 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the State of Hawaii, Department of Budget and Finance for the Defendant/Witness Trial Program.
- NO. 10-142 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Hawaii County Office of the Prosecuting Attorney, for reimbursement of expenses related to participation in "Crime Scene Investigation and Trial Practice in Negligent Homicide Traffic Cases" training.
- NO. 10-143 - COUNCILMEMBER JOHNSON, transmitting a proposed resolution entitled "URGING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ('NOAA') TO INCORPORATE ADDITIONAL MANAGEMENT PRIORITIES IN THE UPDATED HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY MANAGEMENT PLAN"; and requesting that the following motions be offered:
1. A motion to ADOPT the proposed resolution; and
  2. A motion to FILE this communication.
- NO. 10-144 - PLANNING DIRECTOR, relating to an application submitted by Kathleen Gildred, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3518 (2007), TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A TRANSIENT VACATION RENTAL BUSINESS WITHIN THE COUNTY RURAL DISTRICT AND TO AMEND THE PERMIT HOLDER FROM KATHLEEN GILDRED AND SEAN BRUNWIN TO KATHLEEN GILDRED AND MARC AND ANE TAKAHA, FOR PROPERTY SITUATED AT 3378 KEHA DRIVE, KIHEI, MAUI, HAWAII", and related documents.
- NO. 10-145 - BUDGET DIRECTOR, transmitting 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, AFFORDABLE HOUSING FUND, NA HALE O MAUI"; and
  2. A proposed resolution entitled "APPROVING THE NA HALE O MAUI ACQUISITION AND REHABILITATION OF FORECLOSED HOMES PROJECTS, PURSUANT TO SECTION 3.35.100(A), MAUI COUNTY CODE, PERTAINING TO THE AFFORDABLE HOUSING FUND".

1. COUNTY COMMUNICATIONS (continued):

NO. 10-146 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF MEAL SERVICE FOR THE CONGREGATE NUTRITION AND MEALS ON WHEELS PROGRAMS BETWEEN THE DEPARTMENT OF EDUCATION, STATE OF HAWAII, AND THE COUNTY OF MAUI".

NO. 10-147 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION FROM THE DEPARTMENT OF THE ATTORNEY GENERAL, HAWAII INTERNET CRIMES AGAINST CHILDREN TASKFORCE, TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

NO. 10-148 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of May 2010.

NO. 10-149 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended June 2010.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 44 (2010) - "A BILL FOR AN ORDINANCE GRANTING AMERON HAWAII A CONDITIONAL PERMIT TO ALLOW CONCRETE BATCHING, ASPHALT PRODUCTION, AND CONCRETE CASTING OPERATIONS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT PUUNENE, 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.