

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of October 1, 2010  
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 JO ANNE JOHNSON

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING RETIRED CAPTAIN CHARLES M. HIRATA OF THE MAUI COUNTY DEPARTMENT OF POLICE FOR RECEIVING THE J. STANNARD BAKER AWARD FOR HIGHWAY SAFETY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 10-102 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2011 Budget for the County of Maui, Department of Police, by decreasing the Edward Byrne Memorial Justice Assistance Grant, American Recovery and Reinvestment Act ("ARRA"), in the amount of \$49,312; and Department of the Prosecuting Attorney, by increasing the Edward Byrne Memorial Justice Assistance Grant, ARRA, in the amount of \$89,649 and adding an equivalent personnel in the amount of 1.0 limited term appointment; and
2. **FILING** of communication.

NO. 10-103 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2011 Budget for the County of Maui by increasing Bond/Lapsed Bond revenue and total estimated revenues in the amount of \$200,000; and adding an appropriation for Kihei-Makena Community Plan Area, Parks and Recreation, South Maui Community Park in the amount of \$200,000;
2. **FIRST READING** of bill to authorize the use of \$200,000 of lapsed bonds for the continued construction of South Maui Community Park, Phase 1; and
3. **FILING** of communication.

NO. 10-104 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor of the County of Maui to enter into an intergovernmental agreement with the State of Hawaii, Department of Health, to implement the Statewide Program on Parking for Persons with Disabilities, which issues placards, special license plates, and identification cards to qualified residents with disabilities; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 10-105 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year (FY) 2011 Budget for the County of Maui by increasing the Department of Housing and Human Concerns, Housing Program General by \$167,000; amending Appendix A, Affordable Housing Fund, by decreasing the Estimated Balance as of June 30, 2010 and Total for FY 2011 by \$3,444,600; and deleting the proviso for the Waiehu Mauka Rental Housing Project – Lokahi Pacific, in the amount of \$1,216,152;
2. **ADOPTION** of resolution to amend Resolution No. 08-91 to authorize the amended payment amount of \$2,425,500 from Keaka LLC, and Makena MF-2&3, LLC to the Affordable Housing Fund for the Hale Mahaolu Ehiku Project; and
3. **FILING** of communication.

NO. 10-106 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Ronald Kawahara to the *Cost of Government Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 10-107 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the Hawaii Criminal Justice Data Center to allow the Department of Police to participate in the National Crime Information Center Protection Order File; and
2. **FILING** of communication.

NO. 10-108 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of Freddi L. Greenberg as the County's special counsel in all legal matters pertaining to the establishment of a landfill gas energy recovery facility at the Central Maui Landfill.

*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. 10-109 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the waiver of requirements to provide comfort stations and parking areas in a privately owned and maintained park in the E Paepae Ka Puko`a Subdivision, Paia, Maui, Hawaii, consisting of approximately 1.942 acres, TMK: (2) 3-8-02:009 and (2) 3-8-01:003 (por.), pursuant to Section 18.16.320, Maui County Code; and
2. **FILING** of communication.

NO. 10-110 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a Conditional Permit time extension, until December 15, 2019, to Hawaiian Cement for the operation of a concrete recycling and green waste composting facility on approximately 14.8 acres within the County Agricultural District, in conjunction with the permitted quarry and rock crushing operation, known as the Pohakea Quarry, Wailuku, Maui, Hawaii (TMK: (2) 3-6-04:007(portion)); and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 10-214 - CHAIR, SALARY COMMISSION, informing that the Salary Commission determined to maintain the salaries of the Council Chair and the Councilmembers at their current levels through the end of Fiscal Year 2011.

NO. 10-215 - DIRECTOR OF FINANCE, transmitting 59 contracts/grants for August 2010.

NO. 10-216 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2010 - FOURTH QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of June 30, 2010.

NO. 10-217 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "ACCEPTING LAND DEDICATION FOR PARK AND PLAYGROUND PURPOSES AND WAIVER OF THE PARKING AREA REQUIREMENT IN THE KULAMALU SUBDIVISION, KOHOILO, KULA, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 66 (2010) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, PERTAINING TO THE APPROVAL OF PROJECTS FROM THE AFFORDABLE HOUSING FUND"

BILL NO. 67 (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, NA HALE O MAUI"

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

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"

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.**