

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of February 2, 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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 December 16, 2011

H. COMMITTEE REPORTS:NO. 12-17 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2012 Budget, relating to the Affordable Housing Fund, by adding a proviso that \$1,100,000 be for the "County of Maui Neighborhood Revitalization Program of Na Hale O Maui"; and
2. **FIRST READING** of bill to amend the Fiscal Year 2012 Budget, relating to the Affordable Housing Fund, by adding a proviso that \$500,000 be for the "Kulamalu Affordable Housing Project of the County of Maui".

NO. 12-18 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Stacey Pounder v. County of Maui, et al., Civil 09-1-0202(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; and **Section 92-5(a)(8)**, Hawaii Revised Statutes, 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.*

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 12-20 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of December 31, 2011.

NO. 12-21 - MAYOR, transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH GOYANG CITY, GYEONGGI PROVINCE, SOUTH KOREA".

NO. 12-22 - COUNCILMEMBER VICTORINO, transmitting a copy of "EXHIBIT A, COUNTY OF MAUI DEPARTMENT OF WATER SUPPLY FY 2013 RATE PROPOSAL DEVELOPMENT, SCOPE OF SERVICES".

1. COUNTY COMMUNICATIONS (continued):

- NO. 12-23 - REAL PROPERTY TAX BOARD OF REVIEW CHAIRPERSON, transmitting the Real Property Tax Board of Review 2011 Annual Report.
- NO. 12-24 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX".
- NO. 12-25 - BUDGET DIRECTOR, transmitting the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2012, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND, PAUKUKALO COASTAL WETLANDS/KA`EHU BAY"; and
 2. A proposed resolution entitled "AUTHORIZING THE PURCHASE OF OCEANFRONT LAND SITUATED AT KA`EHU BAY, DISTRICT OF WAILUKU, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTERS 3.44, 3.56, AND 3.88, MAUI COUNTY CODE".
- NO. 12-26 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the "COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER RECLAMATION DIVISION, USEPA/DOH CONSENT DECREE, QUARTERLY PROGRESS REPORT #50, OCTOBER 2011 THROUGH DECEMBER 2011".
- NO. 12-27 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE KENOLIO LEILANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 12-28 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE FIRST AMENDMENT TO LEASE OF REAL PROPERTY FOR MAINTENANCE PURPOSES FOR THE LANAI AFFORDABLE HOUSING PROJECT SITE, PURSUANT TO SECTION 3.40.180, MAUI COUNTY CODE".
- NO. 12-29 - COUNCIL CHAIR MATEO, transmitting a letter from Albert "Alapaki" Nahale-a, Department of Hawaiian Home Lands, relating to the proposed Public Safety Complex in Puunene, Maui.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 5 (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT THE CONSUMPTION OF ALCOHOL AT KALAMA PARK AND COVE PARK"

BILL NO. 6 (2012) - "A BILL FOR AN ORDINANCE GRANTING NELLIE'S ON MAUI, LTD. A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL, KAMAOLE VILLA, WITHIN THE COUNTY A-1 APARTMENT DISTRICT FOR PROPERTY LOCATED AT 2284 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII
TMK: (2) 3-9-005:026, KIHEI, MAUI, HAWAII"

BILL NO. 7 (2012) - "A BILL FOR AN ORDINANCE GRANTING ROY O'CONNOR AND SUSAN ENGELHARD O'CONNOR, TRUSTEES OF THE O'CONNOR FAMILY GRANTOR TRUST DATED MARCH 3, 1992, A CONDITIONAL PERMIT TO OPERATE A SPIRITUAL RETREAT CENTER WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TMK: (2) 1-3-004:008, HANA, MAUI, HAWAII"

BILL NO. 8 (2012) - "A BILL FOR AN ORDINANCE GRANTING CHERIE ATTIX AN EXTENSION OF A CONDITIONAL PERMIT TO ALLOW THE CONTINUED OPERATION OF THE TRANSIENT VACATION RENTAL, HALE HOOKIPA INN, FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 2-4-018:063, 32 PAKANI PLACE, MAKAWAO, MAUI, HAWAII"

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 2 (2012) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT FOR TAX MAP KEY NUMBER (2) 2-1-005:117, MAKENA, KIHEI, MAUI, HAWAII"

ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 3 (2012) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT FOR TAX MAP KEY NUMBER (2) 2-1-005:118, MAKENA, KIHEI, MAUI, HAWAII"

BILL NO. 4 (2012) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO SERVICE BUSINESS RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 4869 UAKEA ROAD, HANA, MAUI, HAWAII"

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.