

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

January 6, 2012

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JANUARY 6, 2012, BEGINNING AT 9:07 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui regular meeting for January 6, 2012 will come to order.

Mr. Clerk, may we have the roll call please.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., G. RIKI HOKAMA, MICHAEL B. WHITE, VICE-CHAIR JOSEPH PONTANILLA, AND CHAIR DENNIS A. MATEO.

EXCUSED: COUNCILMEMBER MICHAEL P. VICTORINO.

COUNTY CLERK: Mr. Chairman, eight Members of the Council are present and one excused.

CHAIR MATEO: Thank you. Members, this morning our colleague from South Maui will be providing the opening remarks.

Mr. Couch.

OPENING REMARKS

The opening remarks were offered by Councilmember Donald G. Couch, Jr.

CHAIR MATEO: Thank you. Will everyone please rise and join us in reciting the pledge of allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR MATEO: Thank you very much for your opening remarks, Mr. Couch. We will explore, we will dream, and we will discover in 2012. Thank you very much.

Mr. Clerk.

PRESENTATION OF WRITTEN TESTIMONY

COUNTY CLERK: Mr. Chairman, we have received no requests for testimony on agenda items. We have received one, we have received written testimony.

CHAIR MATEO: Thank you. Members, no one has signed up to provide testimony to the Council this morning. With no objections, we will close public testimony. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. Also, Members, we are in receipt of a communication, written communication. Likewise, with no objections, we will receive the written communication into the record. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. So ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM RAMODA ANAND WAS MADE A PART OF
THE RECORD OF THIS MEETING.

CHAIR MATEO: Mr. Clerk, proceed.

COUNTY CLERK: Mr. Chairman, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meetings of November 4, 2011 and November 18, 2011 were presented at this time.

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO APPROVE THE MINUTES OF THE REGULAR
COUNCIL MEETINGS OF NOVEMBER 4, 2011 AND THE
REGULAR MEETING OF NOVEMBER 18, 2011.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla and second by Mr. Couch to approve the minutes of the meeting, regular meetings of November 4, and November 18, 2011.

Mr. Pontanilla, any discussion?

VICE-CHAIR PONTANILLA: No discussion, Chairman.

CHAIR MATEO: Thank you. Members, any discussion? Hearing none, all those in favor of the motion to approve the minutes of the regular meeting of November 4, and November 18, 2011, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes", one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 12-1 - LAND USE COMMITTEE:

Recommending that Resolution 12-1, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII", be ADOPTED.

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN LAND USE COMMITTEE REPORT NO. 12-1.

COUNCILMEMBER WHITE:

SECOND THE MOTION.

CHAIR MATEO: It's been moved by Mr. Carroll and second by Mr. White to adopt the recommendation in Committee Report No. 12-1.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee moved on December 14, 2011, to discuss a proposed resolution referring to the Maui Planning Commission proposed bills to grant a Community Plan amendment from Public/Quasi-Public to Single Family, and a change of zoning from P-1 Public/Quasi-Public District, R-3 Residential District for approximately 0.375 acres located in Kau *[sic]*.

If enacted, the proposed bills will ensure consistency between the land use designations and the use of residential structures that have existed on the property for over 30 years.

Your Committee concluded that the Council should consider passage of the proposed bills and therefore should refer the bills to the Maui Planning Commission. I thank the Council for its consideration of the motion to adopt the recommendations contained in Report 12-1.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion? All those in favor of the motion to adopt the recommendation in Committee Report No. 12-1, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried, eight "ayes", one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, for the record, RESOLUTION 12-1.

COMMITTEE REPORT
NO. 12-2 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 1 (2012), entitled "A BILL FOR AN ORDINANCE GRANTING WILLIAM E. CAMBRA AND KATHLEEN A. CAMBRA, dba SHAMPOO-U & SPA, TOO, LLC, AN EXTENSION OF A CONDITIONAL PERMIT TO OPERATE A HAIR, SKIN, AND NAIL SALON WITHIN THE COUNTY RU-0.5 RURAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 2-3-032-003, 212 KULA HIGHWAY, KULA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-294, from the Planning Director, be FILED.

CHAIR MATEO: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 12-2.

VICE-CHAIR PONTANILLA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Carroll and second by Mr. Pontanilla to adopt the recommendations in Committee Report No. 12-, 12-2.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee met on December 14, 2011 to discuss William and Kathleen Cambra's request for a Conditional Permit time extension until December 22, 2019, to continue the operation of a salon within the County RU-5, 0.5, Rural District on approximately 2.119 acres located at 212 Kula Highway, Kula, Maui, Hawaii.

Your Committee was informed that the Cambra's are in compliance with the conditions of the three-year conditional permit granted in 2006 and that there have been no complaints from neighbors related to the salon operation.

Your Committee revised the Conditional Permit to allow the salon to remain open for additional hour until 7:00 p.m., Tuesday through Saturday and deleted three conditions relating to requirements for a Certificate of Compliance, a cert, Certificate of Occupancy, and off-street parking because the conditions have been satisfied.

Your Committee voted 5-0 to recommend passage of the proposed bill on first reading and filing of the communication. I thank the Council for its consideration of my motion and recommendations in Land Use Committee Report 12-2.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion?

Ms., go ahead, Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. I regret that I was not able to be at this committee meeting because I did want to speak in support of the application. This is a very well-run establishment. It causes no problems in the area

that it's at and provides a wonderful service to Upcountry residents, particularly the people in my district. So I would really appreciate our full support. Thank you.

CHAIR MATEO: Thank you, Ms. Baisa. Members, further discussion? All those in favor of the motion to adopt the recommendations in Committee Report No. 12-2, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes", one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 1 (2012).

COMMITTEE REPORT
NO. 12-3 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 2 (2012), entitled "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", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That the County Clerk RECORD the "Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment"; and
3. That County Communication 09-103, from the Planning Director, be FILED.

COUNTY CLERK: Mr. Chairman, with respect to the Unilateral Agreement, the agenda notes that the, makes reference to, in quotations, "Unilateral Agreement and

Declaration for Conditional Zoning". The Unilateral Agreement placed before the, the body this morning just a moment ago is, is correct in its title.

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN LAND USE
COMMITTEE REPORT 12-3.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. Couch to adopt the recommendations of Committee Report No. 12-3.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee previously reported on this matter in Land Use Committee Report 11-73 and recommended referring to the Maui Planning Commission a proposed bill to change the State Land Use District Classification from Agricultural to Rural, subject to twelve conditions. Your Committee noted that Rural Classification rather than an Urban Classification would be more compatible with surrounding uses. The Council agreed with the Committee's recommendation and adopted Resolution 11-77 on August 5, 2011.

After its review of the proposed bill the Maui Planning Commission recommended approval with revisions to the conditions. Based on the Maui Planning Commission's recommendations, your Committee revised the conditions to require that all exterior lighting shall be down lighted, to delete the prohibition from subdividing into condominium units, to clarify the notification requirements relating to the Hawaii Right To Farm Act, and to require Pine State Limited to use brackish water or reclaimed water during construction and for other non-potable uses, to the extent practicable. Your Committee also added a condition encouraging implementation of energy conservation measures and renewable energy producing systems during development, as well as other non-substantive revisions.

Committee voted 7-0 to recommend passage of the proposed bill on first reading, recordation of the Unilateral Agreement, and filing of the communication. I thank the

Council for its consideration of my motion to adopt the recommendations contained in Land Use Committee Report 12-3.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to thank the applicant for having to go through the laborious process. We asked him to do something, we thought it would be quick, but didn't pan out to be as quick as I would have liked it. But I want to thank him for hanging in there and, and doing the right thing on this project. Thank you.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion? All those in favor of the motion to adopt the recommendations of Committee Report No. 12-3, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes" and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 2 (2012).

COMMITTEE REPORT
NO. 12-4 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 3 (2012), entitled "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", be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That the County Clerk RECORD the "Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment"; and
3. That County Communication 09-105, from the Planning Director, be FILED.

COUNTY CLERK: Mr., Mr. Chairman, with respect to the title of the Unilateral Agreement, it was misstated on the agenda. However, the Unilateral Agreement as read a moment ago is correct.

CHAIR MATEO: Thank you, Mr. Clerk.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 12-4.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. Couch to adopt the recommendations in Committee Report No. 12-4.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

Your Committee previously reported on this matter in Land Use Committee Report 11-87 and recommended referral to the Maui Planning Commission a proposed bill to change State Land Use District Classification from Agricultural to Rural, subject to 12 conditions. Your Committee noted that a Rural Classification rather than an Urban Classification would be more compatible with the surrounding uses. Council agreed with the Committee's recommendation and adopted Resolution 11-85 on August 23, 2011.

After its review of the proposed bill, the Maui Planning Commission recommended approval with revisions to the conditions. Based on the Maui Planning Commission's recommendations, your Committee revised the conditions to require that all exterior

lighting will be down lighted, to delete the prohibition from subdividing into condominium units, to clarify the notification of requirements relating to the Hawaii Right To Farm Act, and require `Iwa `Ike, LLC to use brackish reclaimed water during construction and for other non-potable uses to the extent practicable.

Your Committee also added a condition encouraging implementation of energy conservation measures and renewable energy producing systems during the development, condition requiring preservation of archaeological sites on the subject property, as well as other non-substantive revisions.

Committee voted 7-0 to recommend passage of the proposed bill on first reading, recordation of the Unilateral Agreement, and filing of the communication. I thank the Council for its consideration of my motion to adopt the recommendations contained in Land Use Committee Report 12-4.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion? All those in favor of the motion to adopt the recommendations in Committee Report No. 12-4, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes", one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 3 (2012).

COMMITTEE REPORT
NO. 12-5 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 4 (2012), entitled "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", be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That the County Clerk RECORD the "Unilateral Agreement and Declaration for Conditional Zoning"; and
3. That County Communication 11-285, from the Planning Director, be FILED.

CHAIR MATEO: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 12-5.

COUNCILMEMBER WHITE:

SECOND THE MOTION, CHAIR.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. White to adopt the recommendations in Committee Report No. 12-5.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee met on December 14, 2011 to discuss a request from John Romain for a Change in Zoning from Urban Reserve District to Service Business Residential District to allow for the operation of the Bamboo Inn Bed & Breakfast in Hana.

Enactment of the bill will provide consistency with the Hana Community Plan and allow for the operation of the bed and breakfast. Your Committee approved a condition recommended by the Maui Planning Commission that limits the permitted uses on the property to single-family dwelling, duplex dwelling, and bed and breakfast homes. This will prohibit other uses allowed in the Service Business District that Hana community may be opposed to.

I thank the Council for its consideration of my motion to adopt the recommendations contained in Land Use Committee Report 12-5.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion? All those in favor of the motion to adopt the recommendations in Committee Report No. 12-5, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes", one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 4 (2012).

COMMITTEE REPORT
NO. 12-6 - PLANNING COMMITTEE:

Recommending that County Communication 11-295, from Councilmember Donald G. Couch, Jr., relating to a presentation by Dan Burden, Executive Director and Co-Founder of Walkable and Livable Communities Institute, be FILED.

CHAIR MATEO: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT NO. 12-6.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Couch, second by Mr. Hokama to adopt the recommendations in Committee Report No. 12-6.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. At its meeting of December 12, 2011, Mr. Dan Burden provided your Planning Committee with a presentation focusing on how to develop walkable, bikeable, and livable communities. And we also noted that the Countywide Policy Plan and the Maui Island Plan strongly suggest and support the development of walkable, bikeable, and livable communities. Therefore, it's important to continue the dialogue on how to promote these types of communities in Maui County and I'm, I'm asking that the Members and also the departments keep that top of mind when we, when we plan for the future here on Maui.

I respectfully request the Council's consideration of the motion to file Communication No. 11-295.

CHAIR MATEO: Thank you. Members, further discussion? All those in favor of the motion to adopt the recommendation in Committee Report No. 12-6, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes", one "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 12-7 - POLICY COMMITTEE:

Recommending that Resolution 12-2, entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO TESTIMONY", be ADOPTED.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I ask the Clerk to bring up all committee reports from Policy Committee, up to and including No. 12-10.

CHAIR MATEO: Thank you. Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Mr. Clerk.

COMMITTEE REPORT

NO. 12-8 - POLICY COMMITTEE:

Recommending that County Communication 11-301, from the Director of Finance, transmitting two reports on settlement of claims as of September 30, 2011, be FILED.

COMMITTEE REPORT

NO. 12-9 - POLICY COMMITTEE:

Recommending that Resolution 12-3, entitled "AUTHORIZING SETTLEMENT OF JON DECAMBRA VS. COUNTY OF MAUI, CASE NO. 7-09-01570", be ADOPTED.

COMMITTEE REPORT

NO. 12-10 - POLICY COMMITTEE:

Recommending the following:

1. That Resolution 12-4, entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TIME SHARE ZONING", be ADOPTED;
2. That Resolution 12-5, entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL PROHIBITING MOPEDS ON BICYCLE PATHS WHERE BICYCLE LANES ARE PROVIDED", be ADOPTED;
3. That Resolution 12-6, entitled "APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE SENATE BILL 318, SENATE DRAFT 2 (2011), RELATING TO DIGITAL MEDIA", be ADOPTED; and
4. That County Communication 11-247, from Council Chair Danny A. Mateo, be FILED.

CHAIR MATEO: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you very much, Mr. Chairman.

I MOVE THAT COMMITTEE REPORTS 12-7 THROUGH AND INCLUDING 12-10 AND ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama and second by Mr. Carroll to adopt the recommendations in Committee Report Nos. 12-7, 12-8, 12-9, 12-10.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR MATEO: Members, further discussion? All those in favor of the motion to adopt the recommendations in Committee Reports No. 12-7, 12-8, 12-9, 12-10, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes", one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, the resolution adopted relative to Committee Report 12-7 is RESOLUTION 12-2.

The resolution adopted relative to Committee Report 12-9 is RESOLUTION 12-3.

Relative to Committee Report 12-10, the three resolutions adopted are RESOLUTIONS 12-4, 12-5, and 12-6, respectively.

CHAIR MATEO: Thank you.

COUNTY CLERK: Mr. Chairman, proceeding with County Communications.

CHAIR MATEO: Proceed.

COUNTY CLERK: The following County Communications are recommended for referral to the following Committees as noted:

COUNTY COMMUNICATIONS

NO. 12-1 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated December 29, 2011)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, WAIKAPU FIRE WAREHOUSE; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3837, BILL NO. 31 (2011), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAPU FIRE WAREHOUSE)"; and
3. A proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT WAILUKU, MAUI, HAWAII FOR COUNTY OF MAUI DEPARTMENT OF FIRE AND PUBLIC SAFETY WAREHOUSE AND OFFICE CENTER".

The recommended action is that County Communication No. 12-1 be referred to the Budget and Finance Committee.

NO. 12-2 - MIKE WHITE, COUNCILMEMBER,
(dated December 12, 2011)

Relating to Commercial Ocean Recreational Activity.

The recommended action is that County Communication No. 12-2 be referred to the Economic Development, Agriculture, and Recreation Committee.

NO. 12-3 - MIKE WHITE, COUNCILMEMBER,
(dated December 12, 2011)

Relating to Maui County Film initiatives.

The recommended action is that County Communication No. 12-3 be referred to the Economic Development, Agriculture, and Recreation Committee.

NO. 12-4 - MIKE WHITE, COUNCILMEMBER,
(dated December 12, 2011)

Relating to improvements at Kanaha and Ho`okipa Beach Parks.

The recommended action is that County Communication No. 12-4 be referred to the Economic Development, Agriculture, and Recreation Committee.

NO. 12-5 - GLENN T. CORREA, DIRECTOR OF PARKS AND RECREATION,
(dated December 12, 2011)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI".

The recommended action is that County Communication No. 12-5 be referred to the Economic Development, Agriculture, and Recreation Committee.

NO. 12-6 - GLENN T. CORREA, DIRECTOR OF PARKS AND RECREATION,
(dated December 6, 2011)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.080, MAUI COUNTY CODE, RELATING TO FEES AND DEPOSITS".

The recommended action is that County Communication No. 12-6 be referred to the Economic Development, Agriculture, and Recreation Committee.

NO. 12-7 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated December 21, 2011)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.20A, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.20B, MAUI COUNTY CODE, RELATING TO THE PLUMBING CODE".

The recommended action is that County Communication No. 12-7 be referred to the Infrastructure Management Committee.

NO. 12-8 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated December 29, 2011)

Transmitting the "2006 UNIFORM PLUMBING CODE".

The recommended action is that County Communication No. 12-8 be referred to the Infrastructure Management Committee.

NO. 12-9 - MICHAEL P. VICTORINO, COUNCILMEMBER,
(dated December 27, 2011)

Transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO PURCHASE THE PIIHOLO SOUTH WELL TO SERVE AS A WATER SOURCE FOR UPCOUNTRY MAUI".

The recommended action is that County Communication No. 12-9 be referred to the Water Resources Committee.

*(COUNTY COMMUNICATION NO. 12-9 WAS LATER
REFERRED TO THE BUDGET AND FINANCE COMMITTEE.
See pages 26 and 27 for discussion.)*

CHAIR MATEO: Thank you, Mr. Clerk. Members, is there a request for consideration at this time? If not, with no objections, each of these communications will be referred to the respective Committees as recognized by the Clerk. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, proceed.

COUNTY CLERK: Mr. Chairman, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 76 (2011)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04,
MAUI COUNTY CODE, TO PROHIBIT THE CONSUMPTION
OF ALCOHOL AT SOUTH MAUI COMMUNITY PARK

CHAIR MATEO: Thank you.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair.

I MOVE TO PASS BILL 76 (2011) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR MATEO: It's been moved by Mr. White and second by Mr. Couch that Bill 76 (2011) pass on second and final reading.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. Your Economic Development, Agriculture and Recreation Committee met on December 1, and recommended passage on first reading of a bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT THE CONSUMPTION OF ALCOHOL AT SOUTH MAUI COMMUNITY PARK". The purpose of this bill is to provide the, the consumption, is to prohibit, I'm sorry, the consumption of any intoxicating liquor while within the boundaries of South Maui Community Park at 1501 Liloa Drive, Kihei, Maui, Hawaii.

Your Committee noted that the Maui Planning Commission had approved a Special Management Area Use Permit for the South Maui Community Park subject to several conditions, including one that prohibits the consumption of alcohol in the park.

The Director of Parks and Recreation stated the Department supports the proposed bill. He said the youth sports leagues that use the park support the proposed alcohol prohibition. The Chief of Police also submitted written comments supporting the proposed bill, noting that the park borders Lokelani Intermediate School.

I respectfully ask for the Council's support of Bill 76. Thank you, Chair.

CHAIR MATEO: Thank you, Mr. White. Members, further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to thank the Members for passing this on first reading and, and this one was a relatively easy one compared to our little discussion we had yesterday. So I really appreciate the, the efforts on this Council and hopefully we get a unanimous vote. Thank you.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion? All those in favor of the motion that Bill No. 76 (2011) pass on second and final reading, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes"; one Member "excused", Mr. Victorino.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 77 (2011)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20,
MAUI COUNTY CODE, RELATING TO SUBDIVISION IMPROVEMENTS

CHAIR MATEO: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 77 AND 78 ON SECOND AND FINAL
READING.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER COCHRAN: Thank you. If that's okay. Can I combine the two?

CHAIR MATEO: Before, yeah, before the Chair recognize the motion, the Chair will ask the
Clerk to call up--

COUNCILMEMBER COCHRAN: --78.

CHAIR MATEO: the, the, that, 78 as well.

COUNCILMEMBER COCHRAN: Please, Mr. Kuwada.

ORDINANCE NO. _____
BILL NO. 78 (2011)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26,
MAUI COUNTY CODE, RELATING TO THE BUILDING CODE

CHAIR MATEO: Chair will recognize the motion at this time.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And at, your Infrastructure Management Committee meeting, met on November 28, 2011 and recommended that the Council pass on first reading two bills to implement post-construction stormwater quality best management practices.

The EPA has strongly encouraged the County to pass a comprehensive post-development stormwater management ordinance to address water quality runoff impacts from new development. The State has been working with the counties to develop a comprehensive Coastal Nonpoint Pollution Control Program in conformance with Section 6217 of the Federal Coastal Zone Act Reauthorization Amendments of 1990.

The Director of Public Works supports the proposed bills. Similar ordinances have already been passed by City and County of Honolulu, the County of Hawaii, and the County of Kauai.

Your Committee recommended passage of the bills before the Council today so I therefore respectfully ask for Council's full support of these bills. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Members, further discussion? All those in favor of the motion that Bills No. 77 (2011) and 78 (2011) both pass on second and final reading, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes"; one "excused", Member Victorino.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 79 (2011)

A BILL FOR AN ORDINANCE GRANTING STAN AND HASSIE ZITNIK AN
EXTENSION OF A CONDITIONAL PERMIT TO CONTINUE THE USE OF
A CONVERTED 180 SQUARE FOOT GARAGE FOR AN OFFICE FOR AN
INTERIOR DESIGNER WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT
FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-4-006:004,
2144 KAHOOKELE STREET, WAILUKU, MAUI, HAWAII

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 79 ON SECOND AND FINAL
READING.

COUNCILMEMBER WHITE:

SECOND THE MOTION, CHAIR.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. White that Bill No. 79 (2011)
pass on second and final reading.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Enactment of the Bill will grant a time
extension until March 20, 2021, of a Conditional Permit to allow Stan and Hassie
Zitnik to continue the use of a converted garage within the County R-2 Residential
District for an interior design office.

I thank the Council for its consideration of my motion to pass Bill 29 *[sic]* on second
and final reading.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion? All those in favor of the motion that Bill No. 79 (2011) pass on second and final reading, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with eight "ayes"; one "excused", Member Victorino.

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, nothing further is scheduled to come before the Council.

CHAIR MATEO: Members, we've concluded--

COUNCILMEMBER HOKAMA: Chairman.

CHAIR MATEO: --our business for the day.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR MATEO: Go ahead, go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: May I have a short recess to confer with you please?

CHAIR MATEO: Sure. Members. Mr. Hokama, is five minutes too long?

COUNCILMEMBER HOKAMA: Just a couple of minutes, Chair.

CHAIR MATEO: Members, please stay at your seats. We'll just take a very short recess.
Council stands in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:40 A.M., AND WAS RECONVENED AT 9:44 A.M., WITH ALL MEMBERS PRESENT EXCEPT FOR COUNCILMEMBER VICTORINO, EXCUSED)

CHAIR MATEO: Council of the County of Maui regular meeting of January 6, 2012 will reconvene.

Chair recognizes Mr. Hokama.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 12-9

COUNCILMEMBER HOKAMA: Chairman, thank you. And thank you very much for your, your indulgence, Mr. Chairman.

Mr. Chairman, regarding County Communication 12-9, that the Council, with no objection, had referred to Water Resources. In further review, Mr. Chairman, to be consistent in how I understand we have been referring items during this specific term of ours, that previous similar sub, subject matter of this type has been referred to Budget and Finance.

And I bring up the Paukukalo consideration as one example of, you know, we could have sent it to Mr. White's Committee if that was our practice, but yet we referred that also to Budget and Finance and Mr. Pontanilla did hold a hearing and we did have our review of it, consideration.

I consider this to be in the same manner and I would ask the Members, as a matter of consistency and how we refer subject matter, that this County Communication 12-9, I, I feel is more appropriate in Budget and Finance. Thank you, Mr. Chairman.

CHAIR MATEO: Thank you, Mr. Hokama. Members, further discussion?

Go ahead, Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. I agree with my fellow colleague from Lanai in regards to this particular item being referred to the Budget and Finance Committee. I just want to state that by going to the Water Resources Committee, and if the proposed resolution is a, is approved at that point, then becomes moot, you know, for the Budget and Finance Committee to take up this action to, to approve the money that's going to be distributed.

So in, in, in that case there, you know, I, I, I, yeah I like the, this county communication being referred to the, to the Budget and Finance Committee because of, it's going to involve budget amendments in regards to if we pass this resolution to purchase this particular well. So the more appropriate Committee is the Budget and Finance Committee. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla.

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I support Mr. Hokama's recommendation.

CHAIR MATEO: Thank you, Ms. Baisa. Members, further discussion? The Chair will, instead of calling for a vote, Members, the request from Mr. Hokama is to have County Communication 12-9 referred to the Budget and Finance Committee. If there are no objections with that pro, request.

Mr. White.

COUNCILMEMBER WHITE: I, I agree with the way we're moving but I would also just like to mention that this is not a, a budget amendment that's coming from the Mayor. It's more of a, I, I'm, I haven't looked at the reso but I would guess that it's more focused on a, having a general discussion about the issue as opposed to actually allocating funds to do so. But, but I understand the past, past practice and will go along with the, the direction we're going.

CHAIR MATEO: Thank you, Mr. White. Members, with no objections, County Communication No. 12-9 will be referred to the Budget and Finance Committee. Any objections?

MEMBERS VOICED NO OBJECTION.

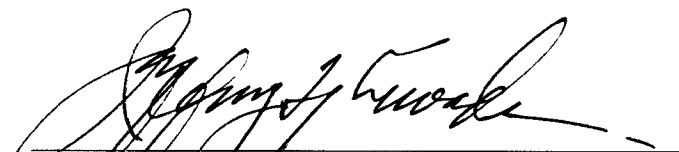
CHAIR MATEO: Thank you, so ordered.

Members, we've concluded our business for the day. The Chair would like to recognize those individuals that continue to provide support to the Council: our Corporation Counsel, Mr. Patrick Wong; our County Clerk, Mr. Jeff Kuwada; the Director of Council Services, Ken Fukuoka; and our support staff, both Joyce Murashige and Theresa Valdez. Members, thank you very much for your work today.

Council of the County of Maui regular meeting of January 6, 2012 is adjourned.

ADJOURNMENT

The regular meeting of January 6, 2012 was adjourned by the Chair at 9:49 a.m.



JEFFREY T. KUWADA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII