

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

February 2, 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, FEBRUARY 2, 2012, BEGINNING AT 9:10 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui regular meeting for February 2, 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.

DEPUTY COUNTY CLERK LANCE TAGUCHI: Chairman, there are eight Members present, one excused. A quorum is present to conduct the business of the Council.

CHAIR MATEO: Thank you. Members, this morning our opening remarks will be provided by our Vice-Chair, Mr. Pontanilla.

OPENING REMARKS

The opening remarks were offered by Vice-Chair Joseph Pontanilla.

CHAIR MATEO: Thank you. Will everyone please 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: Mr. Pontanilla, thank you very much for your words for this morning.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with the presentation of testimony on agenda items. We have received two requests from individuals who wish to offer testimony on agenda items, shall we proceed?

CHAIR MATEO: Before the Clerk calls up the first individual to provide testimony to the Council, the Chair would like to set the parameters for those providing testimony. We welcome anyone wanting to share your comments with the Council this morning.

You will be allowed to speak for three minutes on any of the items posted on today's agenda. When your name is called, please advance to the podium, state your name for the record. And if you represent a group or organization, please so state the name of that group or organization as well.

A lighting system on the podium is there to provide assistance to you. At the start of your comments the green light will be lit. At the two minute thirty second mark the yellow light will be lit. And at the three-minute mark the red light will be lit, letting you know you have conclude, you need to conclude your remarks. An additional minute may be provided to you for your conclusion.

And for those of us with cell phones or other noise-making devices, this would be a real good time to either turn them off or set them on the silent mode to avoid disruptions. Decorum in this chamber will be maintained at all times.

Mr. Clerk, please call up our first testifier, please.

DEPUTY COUNTY CLERK: The first person to testify is Gene Zarro, he'll be testifying on Bill 5 (2012), followed by Pat Borge.

MR. GENE ZARRO [testifying on Bill No. 5 (2012)]:

Good morning, Chair. Good morning, Councilmembers. I, I would like you to know that I was asked to testify on this bill, which I would have come forward anyway. But

in consideration of your time, we, we didn't want to bring the whole group, the whole community out again. So I'm hopefully speaking for more than myself and for some of the people that would've likely been here had they, had we not strategized a little bit to kind of economize your time.

So I'm here to speak to you about the bill that would ban alcohol consumption at Cove Park and Kalama Park, today is its second and final reading. And I hope that you will see fit to vote in favor of the ban. I'd like to speak to you about the highlights of why we think this is an important ban.

First of all, as someone who has raised seven children in Kihei, I can't tell you how many birthday parties we have had in the pavilion over there and how many family pictures we have taken in that playground. And, and fortunately there were a few men present to make sure that things were kept clean and peaceful and a, available to the children that had gathered there for those parties because it is not unusual to find some people there abusing the privilege of Kalama Park and what takes place there. So, so on a personal note it was very, it's a great place to have birthday parties and family gatherings but you better, you know, in the past you had needed to police it yourself.

So some of the highlights of why this ban is really important is as, as has been said, it is a park that has been perfectly designed for children. It has the, it has a great young people's playground, something that we've now built a couple of times. It has a great playing fields, it has the tennis courts, it has just places of wide green space where you can just hang out and just throw out a blanket if you just want to chill out for the afternoon. That is, that is very important, you need to be able to do that.

It is also a place where organized sports take place. And, and let's, let's keep it in perspective that when the County put in organized ball fields and soccer fields and for all these children to come and do Pop Warner and AYSO, it wasn't so drinking could take place in the bleachers as we cheered. It was so that the kids would have a safe place for them to go and, and be uninterrupted and have their parents feel safe as well.

I really think that for those that do wish to romanticize the notion about having a glass of wine or a can of beer while they watch the sunset, there's seven other miles of, of beautiful Kihei shoreline that they could go and enjoy that privilege. But the, the Kalama Park is a privilege for the citizens of all of Maui and we must protect the rights of those that are least able to speak for themselves and that's our children. So thank you very much.

CHAIR MATEO: Thank, thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Zarro.

MR. ZARRO: Thank you.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Pat Borge, testifying on Bill No. 8 (2012), followed by Carol Reimann.

MR. PAT BORGE [testifying on Bill No. 8 (2012)]:

Good morning, Mr. Chair. Good morning, Mr. Councilmembers here. First of all I want to thank you for giving me your time, your last couple days and to hear me and my point of view of this situation on this ten-year extension of this Hale Hookipa Inn.

My thing is back in 2007, when we were going through this whole process, I was told that I was going to be notified, all of people. This is my home and I have rights just like that lady does. Ten years is too long. I'm not trying to shut her down, but five years is my per se, it is my compromise and I'm not going to give up this fight. Whether you give her the ten because I think five is a compromise. And I, and I wasn't notified by Mr. Spence, he was the consultant for her and he knew that I had things to say and I was, I think I was railroaded through this process.

I save a lot of money and that's my home. I bought the first property on that, on that Pakani Place. Nobody was there. There was, now, at first it was a B&B, now it's a TVR, what goes on here? You know we have rights, I have rights, you know, as a, as a property owner and don't forget that. I'm sorry I'm very emotional because that's my home. Now I got to deal with this for ten more years. You, you don't have any rules in place. You don't have, the TVR rules are still being discussed, you have no enforcement, nothing. And you guys are approving ten-years extension and giving ten-years to TVR's. To me that's ridiculous. Until you people get this in line then you, you don't know how much it affects local people like me.

This my home, I love Maui, I born and raised here. For people to come in there and do B&B's and TVR's, that's a, that's the exception, you know, that's a privilege that you can come in and do that in our, in our neighborhoods. It's not a right and everybody's got to agree to it. You represent all people. Council, you guys represent all people. It's not all about the money, it's about our way of life and our lifestyle. I deal with tourists for thirty-years, thirty-five years. I'm retired, I live up there. She comes before you and say I don't live there. That's a bunch of bull. I live there. Now I got to deal with the traffic coming down that road.

CHAIR MATEO: One minute to conclude.

MR. BORGE: Thank you very much, Council, but I'm sorry I got emotional and that's the way I feel. And I tell you what, I, I'm not going to give up and I'm not the only one that feel like this, a lot of locals out here feel like this. Thank you very much for your time.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Mr. Borge.

Mr. Clerk.

DEPUTY COUNTY CLERK: The last person to sign up to testify is Carol Reimann, she'll be testifying on County Communication No. 12-21.

MS. CAROL REIMANN (testifying on County Communication No. 12-21):

Good morning, Chairman Mateo, Members of the Maui County Council. My name is Carol Reimann and I represent the Maui Hotel & Lodging Association. We support Council Communication 12-21, a resolution to establish a sister-city relationship with Goyang City, South Korea.

As outlined in the resolution, there are many similarities between Maui and Goyang City in areas such as information technology, agriculture, and clean energy. These common areas make them a natural fit for Maui.

Not only will these similarities help enrich these specific industries on Maui, but establishing a relationship with Goyang City will also enhance Maui's reach as a top visitor destination to an important market. The Korean market has been identified as an emerging market. Hawaii Business News calls South Korea as a "rising star" in Hawaii with their arrival numbers increasing each year.

In addition, the Hawaii Tourism Authority has developed marketing programs targeting key Korean markets such as honeymooners, luxury travelers and golfers. It is important to note that Korean traveler fits Maui's target market, the affluent and active traveler. Active, average daily spending for the Korean visitor is also significant and surpasses typical visitor spending for U.S., Canada, and European travelers. These visitors not only stay in our hotels, but dine in our restaurants and support a myriad of local businesses.

Our business, as many others, are based on relationships. We believe that by establishing a sister-city relationship with Goyang City will foster not only goodwill and great synergy, but spur interest in Maui as it by, visitor, viable visitor destination. By further developing this important market, it will enable Maui to build on recent gains that will also help to provide jobs and stimulate our local economy.

Maui County's strength as a top tourism destination and a successful business model depends upon our ability to showcase a diverse array of industries. Establishing a relationship with Goyang City will complement our island's reputation for excellence in information technology, agriculture, and clean energy; and attract visitors to Maui.

We support the resolution to establish a sister-city relationship with Goyang City, South Korea. Thank you for the opportunity to testify.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Reimann.

MS. REIMANN: Mahalo.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, Ms. Reimann was the last person to sign up to testify.

CHAIR MATEO: Thank you. If there's anyone in the gallery wanting to provide testimony, the Chair will allow you that opportunity to do so. Please advance to the podium, state your name for the record, and when you are done with your testimony, if you can please go to the back of the area and do your little, you did? Thank you. Go ahead.

MS. CHERIE ATTIX [testifying on Bill No. 8 (2012)]:

Aloha, Council. My name is Cherie Attix and I'm here to testify on my behalf regarding the final reading of my Hale Hookipa. I wasn't here for all the testimony this morning and I just was wondering if there was any questions that anybody needed to ask me? I'm, I'm here for that now.

CHAIR MATEO: Okay. Members, is there a need to have any part of this testimony rephrased? Thank you, Ms. Attix.

MS. ATTIX: Okay, thank you.

CHAIR MATEO: Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chairman, there are no other testifiers. Chairman, we have received written testimony.

CHAIR MATEO: Yeah, thank you. Members, for your information, one of the items on our agenda for today, County Communication 12-029, was from the Chairman of DHHL, the Department of Hawaiian Home Lands, who has flown here to provide testimony to the Council. He is currently on his way in and the Chair would like to ask Members if it's, we're going to go ahead and leave testimony open for a little bit longer until, until he, he advance. So what we're going to do, okay.

No sooner than we said that and the Chairman of DHHL appears.

MR. KIMO KAI (testifying on County Communication No. 12-29):

I'm actually not the Chairman. My name is Kimo Kai, I'm with the Department of Hawaiian Home Lands and thank you for the opportunity to share our testimony regarding the Puunene Public Safety Complex, which we refer to as the Puunene Jail.

As you may have read in the Maui News article two Sunday's ago, DHHL in collaboration with DLNR, BNF, DAGS, and the Department of Public Safety will be taking the lead in putting together a plan and a proposal for the Puunene Jail. This project has been in the works by DAGS and PSD since the mid-90's but has not been, but has not moved forward due to the lack of financial commitment and because no formal plan has put in, has been put in front of the Governor or the State Legislature.

DHHL's plan is to submit an RFQ to find a, to find and procure a qualified consultant to assist us in putting together the proposal which can then be presented to the Governor and the State Legislature for the 2013 Legislative Session. The DHHL RFQ will be posted in the next two weeks and DAGS will release their EIS draft on February 27, to be posted on March 8.

You had, people may ask why we're, why we're doing this. DHHL is taking the lead on this project because it has strategic land interest in the area and also to provide a means to rehabilitate and bring home some of our Native Hawaiians, which are beneficiaries that are incarcerated on the mainland. So we want to get in front of you before, before the RFQ went out and before the EIS draft went out as well.

So, my name is Kimo Kai and if you have any questions, I can leave my contact information. And if you have any questions from now until anything is posted, feel free to call me.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Seeing none, yeah, Mr. Kai, if you could please do leave the cards

because there, I believe there will be questions regarding this project and especially Department of Hawaiian Homes involvement with this particular project. And I know for myself I would like to get specific information, so please leave your card so we are able to, to contact you, okay.

Ms. Baisa.

COUNCILMEMBER BAISA: Yes. Thank you very much, Chair. And it's not a clarification of testimony, but I did want to say that I have a strong personal interest in the project and I've been watching it from the beginning. And millions and millions and millions of dollars have been spent on planning and I hope that those funds will be used and that we don't have to start from scratch, so I will defer to another meeting at some time. But I want to express my interest and I would like to be notified of any meetings, public meetings on this issue.

MR. KAI: Absolutely.

COUNCILMEMBER BAISA: Thank you.

CHAIR MATEO: Further questions, Members? Thank you very much for being here Mr. Kai. Members, Mr. Kai is the, the last individual who had, who wanted to provide testimony for us. With no objections, Members, we will close public testimony. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. Members, also in the folders on each of your desks, written testimony had also been provided. With no objections we will also receive that into the record. Any objections?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Patrick and Helaine Borge; and
2. Carol Reimann, Maui Hotel & Lodging Association.

CHAIR MATEO: Thank you.

Mr. Clerk, proceed please.

DEPUTY COUNTY CLERK: Chairman, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of December 16, 2011 was presented at this time.

CHAIR MATEO: Thank you.

Vice-Chair Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO APPROVE THE MINUTES OF THE REGULAR
COUNCIL MEETING OF DECEMBER 6, 16, 2011.

COUNCILMEMBER WHITE:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. White to approve the minutes of the regular meeting of December 16, 2011.

Mr. Pontanilla, further discussion?

VICE-CHAIR PONTANILLA: No discussion, thank you.

CHAIR MATEO: Thank you. Members, discussion? All those in favor of the motion to approve the minutes of the regular meeting of December 16, 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.

DEPUTY COUNTY CLERK: Chairman, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 12-17 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 9 (2012), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS, AFFORDABLE HOUSING FUND, FISCAL YEAR 2012 AFFORDABLE HOUSING PLAN, NEIGHBORHOOD REVITALIZATION PROGRAM", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 10 (2012), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS, AFFORDABLE HOUSING FUND, FISCAL YEAR 2012 AFFORDABLE HOUSING PLAN, KULAMALU AFFORDABLE HOUSING PROJECT", be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO ADOPT THE RECOMMENDATIONS SET FORTH
IN COMMITTEE REPORT NO. 12-17.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. Hokama to adopt the recommendations in Committee Report No. 12-17.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Chairman, the report details committee review and recommendation of revised proposed bills to facilitate amending the Fiscal Year 2012 Budget to provide for the addition of two provisos under the Affordable Housing Fund.

The first bill will provide \$1,100,000 in funding from the Affordable Housing Fund for the County of Maui Neighborhood Revitalization Program of Na Hale O Maui for the acquisition and rehabilitation of eight to ten homes for applicants earning 120 percent or less of local median income.

The second bill provides \$500,000 for the Kulamalu Affordable Housing Project of the County of Maui for cost associated with the master planning and entitlement of the County-owned property dedicated for the provision of affordable housing in the Kulamalu Subdivision.

The Committee Report recommends passage of both the revised bills that will further provide affordable housing opportunities within the County. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? All those in favor of the motion to adopt the recommendations in Committee Report No. 12-17, 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.

DEPUTY COUNTY CLERK: For the record BILL NOS. 9 (2012) and 10 (2012).

COMMITTEE REPORT
NO. 12-18 - POLICY COMMITTEE:

Recommending that Resolution 12-14, entitled "AUTHORIZING SETTLEMENT OF STACEY POUNDER V. COUNTY OF MAUI, ET AL., CIVIL NO. 09-1-0202(1)", be ADOPTED.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT COMMITTEE REPORT 12-18 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 No. 12-18.

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 Report No. 12-18, 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.

DEPUTY COUNTY CLERK: For the record, RESOLUTION NO. 12-14.

Chairman, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 12-20 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 19, 2012)

In accordance with Section 3.16.020c, Maui County Code, transmitting two reports on settlement of claims as of December 31, 2011.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Refer to Committee.

CHAIR MATEO: Members, we recognized Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you.

Chairman, short recess.

CHAIR MATEO: Thank you. Members, short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:35 A.M., AND WAS RECONVENED AT 9:37 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER VICTORINO, EXCUSED.)

CHAIR MATEO: Council of the County of Maui regular meeting for February 2, 2012 will reconvene.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, I believe there was a motion on the floor for referral to Committee. If the Committee, if the maker of the motion could identify the Committee.

CHAIR MATEO: Thank you.

Chair recognize Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, it is just a motion, just you know we, we're going by consensus on these referrals.

CHAIR MATEO: Correct.

COUNCILMEMBER HOKAMA: The recommendation is that the Council take action today. As the standing Committee Chair responsible for this matter, I'm just saying to refer it to Policy, which is the recommended committee assignment. So for me I just want it to come straight to Policy. And if there's no objection by the Members, at your request, Chairman. Thank you.

CHAIR MATEO: Thank, thank you, Mr., Mr. Hokama. Members, the request on the floor is to have County Communication No. 12-20 be referred to the Policy Committee for further review and discussion. Are there any objections to referring 12-20 to the Policy Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. Members, there's no objections, we're going to go ahead and have this item referred to Policy.

Mr. Chair, excuse me, Mr. Clerk, proceed please.

NO. 12-21 - ALAN M. ARAKAWA, MAYOR,
(dated January 26, 2012)

Transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH GOYANG CITY, GYEONGGI PROVINCE, SOUTH KOREA".

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Refer to Committee.

CHAIR MATEO: Thank you. Members, there is a recommendation from Mr. Hokama that County Communication No. 12-21 be referred to the Policy Committee for further review and discussion. Members, any discussion?

VICE-CHAIR PONTANILLA: Chairman.

CHAIR MATEO: Chair will recognize Vice-Chair Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. I, I, I know this is time sensitive and, you know, if Mr. Hokama is going to take it up in his Committee, which will be on a Wednesday, and I understand that the delegation is coming here on a Friday. And if we're going to take up any actions on Friday, hopefully the Members are encouraged to attend that meeting so we could go ahead and move this thing. And, and the reason why I, I'm providing comments is that, you know, I hate to have this County be embarrassed. Okay, thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla.

Ms. Baisa.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR MATEO: Excuse me, Mr. Hokama.

COUNCILMEMBER HOKAMA: And that is the point of this referral. We don't set the deadlines and yet this Council is supposed to take immediate action. We'll see at the meeting.

CHAIR MATEO: Thank you, Mr. Hokama.

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I, I'm confused. What is the timetable that could be used to get this done? I'm sorry, I'm, I don't know which meeting and when it's going to be. The Mayor arrives on the 17th.

CHAIR MATEO: The, the delegation, the delegation arrives on Maui on February 17. Mr. Hokama's Policy Committee meeting is on the 15th, I believe, and it, two days prior to their arrival. The Council meeting is also scheduled for the 17th. So if, if the, if Policy Committee Chair is going to hear the resolution on his next scheduled meeting, the, the Committee Chair could forward it out of Committee and ask for a discharge.

COUNCILMEMBER BAISA: So it is possible that this could be done in time for the Mayor's arrival?

CHAIR MATEO: Yes.

COUNCILMEMBER BAISA: Well that's my concern, is that, like everybody else, I don't want our, our community to be embarrassed and I understand Member Hokama's concern about procedure and, you know, doing it right. But you know sometimes we make accommodations because of special circumstances and we've done that here. I've been here long enough to see it. But I want to make sure that we don't embarrass our visitors or ourselves by, you know, not, not culminating this thing so that we can welcome the Mayor and take care of whatever we need to do. So that, that's my concern.

CHAIR MATEO: Thank you, Ms. Baisa. Members, further discussion?

Mr., Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chair, just another comment. I, I, I don't know when we learned of the visit and if we learned it, you know, several weeks ago, you know, we, I truly would have loved to have the Department talk at least to the Committee Chair in regards to how special this thing is. And if there's no communication from the various departments that send these things up, not only this here, but you know other things that we take on, on, on our agenda during Committee meetings, you know very difficult when you just provide us with county communications with no discussions from, you know the departments. And, and here we are, you know, moving forward on something that we really have a vague idea.

But as much as possible I think all of us try to get a hold of the departments. But the departments need to you know convey their, I guess, requests to each of the Councilmembers here that does head various committees within the County of Maui. So I thought I'd say that because you know if we're not communicating between the Administration and the legislative body, you know, it's kind of hard for move things forward. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? Members, the request is to refer County Communication 12-21 to the Policy Committee. Further discussion, Members? If not, Members, with no objections, County Communication No. 12-21 will be referred to the Policy Committee. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. 12-21, Policy Committee.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chairman, the following County Communications are recommended for referral to the following Committees as noted:

NO. 12-22 - MICHAEL P. VICTORINO, COUNCILMEMBER,
(dated January 24, 2012)

Transmitting a copy of "EXHIBIT A, COUNTY OF MAUI DEPARTMENT OF WATER SUPPLY FY 2013 RATE PROPOSAL DEVELOPMENT, SCOPE OF SERVICES".

The recommended action is that County Communication No. 12-22 be referred to the Budget and Finance Committee.

(COUNTY COMMUNICATION NO. 12-22 WAS LATER REFERRED TO THE WATER RESOURCES COMMITTEE. See pages 19 and 20.)

NO. 12-23 - JOSHUA LINDSEY, 2011 BOARD OF REVIEW CHAIRPERSON,
(dated December 20, 2011)

Transmitting the Real Property Tax Board of Review 2011 Annual Report.

The recommended action is that County Communication No. 12-23 be referred to the Budget and Finance Committee.

NO. 12-24 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 24, 2012)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX".

The recommended action is that County Communication No. 12-24 be referred to the Budget and Finance Committee.

NO. 12-25 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 26, 2012)

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".

The recommended action is that County Communication No. 12-25 be referred to the Budget and Finance Committee.

NO. 12-26 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated January 12, 2012)

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".

The recommended action is that County Communication No. 12-26 be referred to the Infrastructure Management Committee.

NO. 12-27 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated January 10, 2012)

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".

The recommended action is that County Communication No. 12-27 be referred to the Infrastructure Management Committee.

NO. 12-28 - JO-ANN T. RIDAO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated January 19, 2012)

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".

The recommended action is that County Communication No. 12-28 be referred to the Policy Committee.

NO. 12-29 - DANNY A. MATEO, COUNCIL CHAIR, (dated January 25, 2012)

Transmitting a letter from Albert "Alapaki" Nahale-a, Department of Hawaiian Home Lands, relating to the proposed Public Safety Complex in Puunene, Maui.

The recommended action is that County Communication No. 12-29 be referred to the Policy Committee.

CHAIR MATEO: Thank you. Members, if there's, are there any considerations at this time?

Mr. Pontanilla.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 12-22

VICE-CHAIR PONTANILLA: Thank you, Chairman. As Vice-Chair on, on behalf of the, Chairman, this is in regards to County Communication No. 12-22. As Vice-Chair on behalf of the Chair of the Water Resources Committee, I request consideration for County Communication No. 12-22 to be referred to the Water Resources Committee rather than the Budget and Finance Committee.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, are, is there further discussion on the request by Mr. Pontanilla? Seeing none, Members, with no objections, County Communication No. 12-22 will be referred to the Water Resources Committee. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered. Members, further need for considerations at this time? If there's no objections, then each of the communications as recognized by the Clerk will go to the respective Committees recognized by the Clerk. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with ordinances.

ORDINANCES

ORDINANCE NO. _____
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

CHAIR MATEO: Thank you.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair.

I MOVE TO PASS BILL 5 (2012) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: It's been moved by Mr. White and second by Mr. Couch that Bill No. 5 (2012) pass on second and final reading.

Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. Your Economic Development, Agriculture, and Recreation Committee met on December 1, 2011 and January 5, 2012 and recommended passage of this bill.

Purpose of the proposed bill is to prohibit the consumption of any intoxicating liquor within the boundaries of Kalama Park and Cove Park, both in Kihei, unless authorized by permit, license, lease or concession.

Your Committee notes that it received an overwhelming amount of public testimony in support of the alcohol prohibition. The testimony particularly supported the banning of alcohol in Kalama Park because of the many youth programs operating there. And, Chair, I'd just like to add that, you know, we've had so much, so many graphic descriptions of what takes place in this park.

And as a testifier this morning mentioned, this is a park specifically designed for youth activities. And I think it's an important move for the County to help protect the environment in which all of our children are playing and, and getting to know each other and having fun and games. And they shouldn't have to be putting up with the influences of others who are not as caring about what's going on in our community. So I, I ask for the, the Council's support of this measure. Thank you.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I totally, wholeheartedly concur with Mr. White's comments and just wanted to say thank you to the Members for supporting this in the first reading and I am asking for their support in the second reading. I did talk to several people in the community that were opposed to it to begin with and have since said, after realizing what we're trying to do, have agreed to, to the purpose of this bill. So I am asking for and appreciate the support of all the Members. Thank you.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion? All those in favor of the motion that Bill No. 5 (2012) 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. 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

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE THAT BILL NO. 6 PASS SECOND AND FINAL
READING.

COUNCILMEMBER WHITE:

SECOND THE MOTION, CHAIR.

CHAIR MATEO: It's been, it's been moved by Mr. Carroll, second by Mr. White to, that Bill
No. 6 (2012) pass on second and final reading.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Enactment of the bill will grant a three-
year Conditional Permit to operate Kamaole Villa transient vacation rental on
approximately 0.37 acre parcel located at 2284 South Kihei Road, Kihei, Maui.

I thank the Council for its consideration of my motion to pass Bill No. 6 on second and final reading.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion? All those in favor of the motion that Bill No. 6 (2012) pass on second and final reading, signify by saying "aye".

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

CHAIR MATEO: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: We have seven "ayes"; one "no", Mr. Hokama; one "excused", Mr. Victorino. Motion is carried.

Mr. Clerk, proceed.

ORDINANCE NO. _____
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

CHAIR MATEO: Thank you very much.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL NO. 7 ON SECOND AND FINAL READING.

COUNCILMEMBER WHITE:

SECOND THE MOTION, CHAIR.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. White to pass on second and final reading, Bill No. 7 (2012).

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Enactment of the bill will grant a five-year Conditional Permit to operate Ala Kukui, a spiritual retreat center, on approximately 12.008 acres located at Hana, Maui, Hawaii.

I thank the Council for its consideration of my motion to pass Bill No. 7 on second and final reading.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion. All those in favor of the motion that Bill No. 7 (2012) pass on second and final reading, signify by saying "aye".

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

CHAIR MATEO: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried; seven "ayes"; one "no", Mr. Hokama; one "excused", Mr. Victorino.

Mr. Clerk.

ORDINANCE NO. _____
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

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL NO. 8 TO SECOND AND FINAL
READING, ON SECOND AND FINAL READING.

COUNCILMEMBER WHITE:

I SECOND THE MOTION, MR. CHAIR.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. White that Bill No. 8 (2012)
pass on second and final reading.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Enactment of the bill will grant an
extension of a Conditional Permit until August 23, 2022 to allow the continued
operation of the Hale Hookipa Inn transient vacation rental located in Makawao.

I thank the Council for its consideration of my motion to pass Bill 8 on second and
final reading.

CHAIR MATEO: Thank you, Mr. Carroll.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And what I'm about to do, I mean no
disrespect to you, Chair, to fellow Members who have voiced their wishes on what
I'm about to do.

I WOULD LIKE TO MAKE A MOTION TO AMEND
CONDITION 2, TO REDUCE THE CONDITIONAL USE
PERMIT TIME EXTENSION FROM 2022 DOWN TO 2017.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: Members, we have a motion on the floor to amend made by Ms. Cochran. We are all in receipt of her proposed amendment. And the amendment is virtually to change the time or the length of the permit from ten years to five years.

COUNCILMEMBER COCHRAN: That's correct, Chair.

CHAIR MATEO: Go ahead.

COUNCILMEMBER COCHRAN: And, you know, after hearing Mr. Borge's comments and shedding light on the fact that, you know I, I just personally feel that people in our community should not feel their rights have been ignored, their zoning has been, not been enforced. I, I'm starting to see, understand that, you know, taxation and zoning enforcement is becoming an issue when it comes to this whole thing we're discussing on another Committee with STR's and B&B's and what have you.

And you know, there's a lot of, there's a silent majority out there that, that aren't as, you know, voiceful like Mr. Borge has been. And so I just want to be here to be represented of that part of our community and to stand up for him and others that may not have, you know, what it takes to come up here before us today.

And again it's not shutting her down completely, it's just you know keeping in line with the five year and then to revisit once again. So that's just my reasoning and I just would like to see support from my fellow Members because I believe there is a, there's a message to be said here and for me, I want to leave a legacy that I'm being represented of voices such as Mr. Borge. And that's just looking for some support with this.

Again, no disrespect to others but I understand that making amendments on second and final reading is not against any rules or laws or any type of regulations in the system. So if, you know, additional information come to light, additional, you know, so I just want to present this here today. Thank you for this opportunity, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Members, further discussion?

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. You know I, I really respect the Maui Planning Commission and their decisions that they make. Of course you know we do changes over here in the legislative body and sometimes when we make changes I don't know if it's for the good or, you know, for the bad.

But in this case here, you know, understanding that Mr. Borge now lives at this location, Pakani Place in Makawao, this will give him an opportunity to, to really look at the, the short-term or transient vacation rental that's on his particular place, street. And he can hopefully, you know, I guess not compromise but take a look at what's happening in that location now that he lives there. And hopefully within the five years, you know, he can understand the operations much, much better.

The other thing that he also talked about is traffic. And one of the things that I would recommend Mr. Borge do is try to have the neighborhood, you know, petition the County to provide speed humps within the subdivision because it is a steep incline. So, Chairman, you know I can support Ms. Cochran's amendment at this time. Thank you.

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

Mr., Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I too can support this motion only because we did have some discussion with Mr. Borge. And you know we're in the process of coming up with legislation to hopefully tie all these things together and so that in five years we may have a whole new situation and, and something that this can fit into very easily. So instead of putting it out for a long time, and, and the situation's changed, it changed from a B&B now to a TVR so I, I, I'm in support of this as well for those reasons.

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

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I also met with Mr. Borge the other day and we had a long discussion on this. And the bottom line was I told him that I would consider it and go back and look it over and reconsider what was done at the meeting. And I can understand his concerns; however, as Chair of the Committee, and when I look back at all that was conducted and all the business was referring to this, the five and ten years extension, as Chair, our Committee voted for the ten year. And as Chair of the Committee, I need to support the Committee's decision to go for

the ten year extension. And so I will not be supporting the amendment because I feel as Chair, I really need to support my Committee's recommendations. Thank you.

CHAIR MATEO: Thank you. Members, further discussion? Seeing none, Members, we're going to refer back to the proposed amendment by Ms. Cochran. All those in favor of the motion to amend, signify by saying "aye".

COUNCILMEMBER COCHRAN: Aye.

COUNCILMEMBER COUCH: Aye.

CHAIR MATEO: Those opposed say "no".

COUNCILMEMBER BAISA: No.

COUNCILMEMBER CARROLL: No.

CHAIR MATEO: Mr. Clerk, roll call please.

DEPUTY COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: NO.

DEPUTY COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Don Couch.

COUNCILMEMBER COUCH: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

DEPUTY COUNTY CLERK: Councilmember Michael P. Victorino.

CHAIR MATEO: EXCUSED.

DEPUTY COUNTY CLERK: Councilmember Mike White.

COUNCILMEMBER WHITE: NO.

DEPUTY COUNTY CLERK: Vice-Chair Joseph Pontanilla.

VICE-CHAIR PONTANILLA: AYE.

DEPUTY COUNTY CLERK: Chair Danny A. Mateo.

CHAIR MATEO: AYE.

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

NOES: COUNCILMEMBERS BAISA, CARROLL, AND
WHITE.

EXCUSED: COUNCILMEMBER VICTORINO.

DEPUTY COUNTY CLERK: Chairman, there are five "ayes", three "noes", and one "excused". Amendment passes.

CHAIR MATEO: Thank you. Members, we're going to move on to the main motion. Further discussion, Members?

DEPUTY COUNTY CLERK: Chairman.

CHAIR MATEO: Go ahead.

DEPUTY COUNTY CLERK: If we could have a short recess.

CHAIR MATEO: Yeah. Members, we're going to take a, a short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:03 A.M., AND WAS RECONVENED AT 10:05 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER VICTORINO, EXCUSED.)

CHAIR MATEO: Council of the County of Maui regular meeting of February 2, 2012 will reconvene.

Members, thank you very much. I, the, the Chair had forgotten that per Council rules, Rule 19D, any amendment made to bills on second and final, we are able to deal or address the amendment. We are not able to move that bill forward at the same meeting. This particular item will be moved, the date certain, the next Council meeting scheduled for February 17.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, proceeding with unfinished business

UNFINISHED BUSINESS

ORDINANCE NO. _____
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

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL NO. 2 ON SECOND AND FINAL
READING.

COUNCILMEMBER WHITE:

I SECOND THE MOTION, CHAIR.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. White that Bill No. 2 (2012) pass on second and final reading.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Enactment of the bill will result in a State Land Use District Classification of Rural for the subject property and permit Pine State Limited to develop the two-lot subdivision on Makena-Keoneoio Road, Makena, subject to the conditions imposed by the Council.

I thank the Council for its consideration of my motion to pass No. 2 on second and final reading.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to thank Mr. Carroll for bringing this up again and want to remind everybody that we told this guy it would be quick and dirty, and it was long and much dirtier but we finally got it done and I want to thank everybody for passing this on second and final reading. Thank you.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion? All those in favor of the motion that Bill No. 2 (2012) 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", Mr. Victorino.

Mr. Clerk.

ORDINANCE NO. _____
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

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL NO. 3 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. 3 (2012)
pass on second and final reading.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Enactment of the bill will result in a
State Land Use District Classification of Rural for the subject property and permit
`Iwa `Ike, LLC to develop four residential lots on Makena-Keoneoio Road in Makena
subject to the conditions imposed by the Council.

I thank the Council for its consideration of my motion to pass Bill 3 on second and
final reading.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion? All those in favor of
the motion that Bill No. 3 (2012) pass on second and final reading, signify by saying
"aye".

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

CHAIR MATEO: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR MATEO: Motion is carried with seven "ayes"; one "no", Mr. Hokama; one "excused",
Mr. Victorino.

(See pages 37 and 38 for discussion.)

CHAIR MATEO: Mr. Clerk.

ORDINANCE NO. _____
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

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

MOVE TO PASS BILL 4 ON SECOND AND FINAL READING.

COUNCILMEMBER WHITE:

SECOND THE MOTION, MR. CHAIR.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Mr. White that Bill No. 4 (2012) pass on second and final reading.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Enactment of the bill will as, excuse me, enactment of the bill would allow John Romain to operate the Bamboo Inn Bed and Breakfast on the subject property. The conditions of zoning will limit the permitted uses to those specified in accordance with the wishes of the Hana community.

I thank the Council for its consideration of my motion to pass Bill 4 on second and final reading.

CHAIR MATEO: Thank you.

Chair recognize, Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. But actually I missed my whole opportunity on the last Bill No. 3. So, yeah, I don't have any comments on this one.

CHAIR MATEO: Thank you very much.

COUNCILMEMBER COCHRAN: Sorry.

CHAIR MATEO: Yeah, Chair is going to take a very short recess. We're standing in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:10 A.M., AND WAS RECONVENED AT 10:14 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER VICTORINO, EXCUSED.)

CHAIR MATEO: Council of the County of Maui regular meeting of February 2, 2012 will, will reconvene.

Members, thank you for allowing the Chair that brief opportunity. We are addressing Bill No. 4 at this time. Members, the Chair ask if there's further discussion on Bill No. 4? Hearing none, all those in favor of the motion that Bill No. 4 (2012) 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, eight "ayes"; one "excused", Mr. Victorino.

Chair recognize, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair, for the recognition. And I would like to ask for reconsideration on Bill No. 3. I would like to make a motion to amend a condition in that, in Bill No. 3.

CHAIR MATEO: The, the motion would be to reconsider.

COUNCILMEMBER COCHRAN: Oh, sorry.

I, I WANT TO MAKE A MOTION TO RECONSIDER BILL NO. 3.