

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of July 24, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER ROBERT CARROLL

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE KING KEKAULIKE HIGH SCHOOL AUTO SKILLS TEAM AND DRIVER EXCELLENCE TEAM ON WINNING FIRST PLACE IN THEIR STATE CHAMPIONSHIPS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of May 24, 2012
 Special Meeting of May 24, 2012
 Special Meeting of June 1, 2012
 Regular Meeting of June 6, 2012

H. COMMITTEE REPORTS:

NO. 12-75 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2013 Budget by adding a \$2,710,000 appropriation for acquisition and master planning costs for real property at Waikapu in the Wailuku-Kahului Community Plan Area;
2. **FIRST READING** of bill amending the Fiscal Year 2013 general obligation bond authorization ordinance by adding \$2,710,000 for acquisition and master planning costs for real property at Waikapu in the Wailuku-Kahului Community Plan Area;
3. **ADOPTION** of resolution authorizing the acquisition of approximately 100 acres of real property in Waikapu (Tax Map Key (2) 3-6-02:003 (portion)), located near the intersection of Waiale and Waiko Roads, for \$25,000 an acre; and
4. **FILING** of communication.

NO. 12-76 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from Stephen Burnham Thistle and Carla Jean Thistle of road widening Lot 4-E, consisting of 1,157 square feet, along North Holokai Road in Haiku, Maui, Hawaii, identified as TMK: (2) 2-8-04:061, for public purposes; and
2. **FILING** of communication.

NO. 12-77 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from Palauea Developers LLC of road widening Lot 688, consisting of .015 acre, along Kaukahi Street in Wailea, Maui, Hawaii, identified as TMK: (2) 2-1-23:034 (portion), for public purposes; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-78 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from Maui R&T Partners, LLC, of two perpetual, non-exclusive, reclaimed waterline easements over portions of Lot 8 and Lot 4 of the Haleakala Greens Subdivision, Kihei, Maui, Hawaii, identified as TMK Nos.: (2) 2-2-24:009 (portion) and (2) 2-2-24:018 (portion), respectively; and
2. **FILING** of communication.

NO. 12-79 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from A&B Properties, Inc., of a perpetual, non-exclusive, sewerline easement over portions of property situated at Kahului, Maui, Hawaii, identified as TMK: (2) 3-7-09:004, (2) 3-7-09:030, and (2) 3-7-12:032; and
2. **FILING** of communication.

NO. 12-80 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from Elleair Hawaii, Inc., of a perpetual, non-exclusive, sewerline easement over portions of property situated at Kahului, Maui, Hawaii, identified as TMK Nos.: (2) 3-7-03:026 and (2) 3-7-03:028; and
2. **FILING** of communication.

NO. 12-81 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 10.48.040, Maui County Code, to eliminate the parking prohibition on South Kihei Road near Keawakapu Beach, Kihei, Maui, Hawaii, and reinstate general language preceding the list of regulated areas; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 12-82 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the State Land Use District classification from Agricultural District to Rural District for approximately 2.077 acres at 1550 Kokomo Road, Haiku, Maui, Hawaii, to allow for the existing Makawao Congregation of Jehovah's Witnesses Inc. church facility;
2. **FIRST READING** of bill to establish P-1 Public/Quasi-Public District zoning for approximately 2.077 acres at 1550 Kokomo Road, Haiku, Maui, Hawaii, to allow for the existing Makawao Congregation of Jehovah's Witnesses Inc. church facility;
3. **RECORDATION** of the unilateral agreement; and
4. **FILING** of communication.

NO. 12-83 - WATER RESOURCES COMMITTEE:

Recommending **FILING** of communication relating to a report entitled "AN EVALUATION OF EAST MAUI'S POTENTIAL FOR DEEP ARTESIAN AQUIFERS," prepared by Donald Thomas, Center for the Study of Active Volcanoes, dated December 23, 2011.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 12-147 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii for the Domestic Violence Investigations Project.
- NO. 12-148 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of Budget and Finance, State of Hawaii for the Defendant/Witness Trial Program.
- NO. 12-149 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$25,000 in Federal and State Forfeiture Funds for their Employee Development Program to be used to fund training and related expenses.
- NO. 12-150 - CHIEF OF POLICE, informing of the Police Department's intent to expend approximately \$50,000 in State Forfeiture Funds for training, computers and equipment.

1. COUNTY COMMUNICATIONS (continued):

- NO. 12-151 - DIRECTOR OF FINANCE, transmitting 39 contracts/grants for May 2012.
- NO. 12-152 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended June 2012.
- NO. 12-153 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERN".
- NO. 12-154 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF WATER SUPPLY", and related documents.
- NO. 12-155 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS PROGRAM".
- NO. 12-156 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE REAL PROPERTY TAX OF UNMARRIED SURVIVING SPOUSES OF VETERANS WHO DIED WHILE ON DUTY AND TOTALLY DISABLED VETERANS".
- NO. 12-157 - COUNCILMEMBER BAISA, relating to the definition of "Agriculture".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS - SECOND AND FINAL READING:

- NO. 12-74 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS"

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 56 (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX"
- BILL NO. 57 (2012) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3760, RELATING TO TITLE 18, SUBDIVISION GENERAL PROVISIONS TO DELETE THE SUNSET PROVISION OF ORDINANCE NO. 3760"
- BILL NO. 58 (2012) - "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.030, MAUI COUNTY CODE, RELATING TO SUBDIVISIONS"
- BILL NO. 59 (2012) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.25A.130, MAUI COUNTY CODE, RELATING TO WASTEWATER"

L. UNFINISHED BUSINESS:**COMMITTEE REPORTS:**

NO. 12-66 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Ameron Hawaii for a twenty-year Conditional Permit to allow for the continued operation of a concrete batching plant on approximately 1.66 acres within the County Agricultural District, for property situated off Honoapiilani Highway, adjacent to the Lahaina Wastewater Reclamation Facility, Lahaina, Maui, Hawaii (TMK: (2) 4-4-001:108 (por.) and (2) 4-4-003:001 (por.)); and
2. **FILING** of communication.

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.