

**COUNCIL OF THE COUNTY OF MAUI**

RECEIVED

2012 AUG 14 PM 3: 3

**A G E N D A**

Regular Meeting of August 21, 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](mailto: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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 MICHAEL P. VICTORINO
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
  - E. CEREMONIAL RESOLUTIONS:  
NONE.
  - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
  - G. MINUTES:

Regular Meeting of July 24, 2012  
Regular Meeting of August 3, 2012

---

H. COMMITTEE REPORTS:

NO. 12-84 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by adding a \$100,000 grant revenue appropriation to the Department of Housing and Human Concerns for the "Strategic Prevention Framework – State Incentive Grant"; and
2. **FILING** of communication.

NO. 12-85 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by revising the description of the appropriation from "Hana Community Association for Hana Dialysis" to "Hana Dialysis Home Program"; and
2. **FILING** of communication.

NO. 12-86 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by adding a \$750,000 grant revenue appropriation to the Department of Water Supply for the "Wellhead Protection Programs" grant; and
2. **FILING** of communication.

NO. 12-87 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Kevin Souza to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2014; and
2. **ADOPTION** of resolution approving the appointment of Priscilla Felipe to the Lanai Planning Commission, for a term expiring on March 31, 2017.

NO. 12-88 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Rick Tanner to the Cost of Government Commission, for a term expiring on March 31, 2013.

H. COMMITTEE REPORTS (continued):NO. 12-89 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the disposal of structures at Kapuka`ulua (formerly known as Montana Beach), located at 3045 Hana Highway, Apartment A, in Paia, Maui, Hawaii, pursuant to Section 3.44.020, Maui County Code; and
2. **FILING** of communication.

NO. 12-90 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a lease, until June 30, 2026, to the Veterans of Foreign Wars of the United States Wilbert Wah Hutom Post 3850, of approximately 0.398 acre of State-owned land located at 1136 Uluniu Road, Kihei, Maui, Hawaii, and approximately 1.880 acres of State-owned land adjacent thereto, for veterans center and community support activities purposes; and
2. **FILING** of communication.

NO. 12-91 - POLICY COMMITTEE:

Recommending **FIRST READING** of bill authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the United States Environmental Protection Agency to settle the Notice of Violation issued on June 5, 2007, in Docket R9-07-05, relating to the Central Maui Landfill.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.*

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 12-168 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$48,717.00.

1. COUNTY COMMUNICATIONS (continued):

- NO. 12-169 - CHIEF OF POLICE, informing of the receipt of \$4,974.66 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 12-170 - DIRECTOR OF PERSONNEL SERVICES, informing of the abolishment of positions in various County departments.
- NO. 12-171 - DIRECTOR OF FINANCE, transmitting 71 contracts/grants for June 2012.
- NO. 12-172 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of June 30, 2012.
- NO. 12-173 - ACTING MAYOR, informing of a vacancy on the Lanai Planning Commission due to the resignation of Michael R. Lopez Sr.
- NO. 12-174 - ACTING MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Alexander Gat.
- NO. 12-175 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended July 2012.
- NO. 12-176 - 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, OFFICE OF THE MAYOR".
- NO. 12-177 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT FOR THE EPA CONSENT DECREE SEWER REHABILITATION PROJECT, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 12-178 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII", and related documents.
- NO. 12-179 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled, "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT 101 A, B, AND C KUAU PLACE, PAIA, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-6-009:024".

1. COUNTY COMMUNICATIONS (continued):

NO. 12-180 - COUNCIL CHAIR MATEO, transmitting a letter from Grant Chun, Vice President, A&B Properties, Inc., submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning, for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision).

NO. 12-181 - DIRECTOR OF PUBLIC WORKS, transmitting copies of the following:

1. Senate Resolution No. 17 S.D. 1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY"; and
2. Senate Concurrent Resolution No. 49 S.D.1, H.D.1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN STATEWIDE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:ORDINANCES - SECOND AND FINAL READING:

BILL NO. 63 (2012) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT 1550 KOKOMO ROAD, HAIKU, MAUI, HAWAII, FOR THE MAKAWAO CONGREGATION OF JEHOVAH'S WITNESSES INC."

BILL NO. 64 (2012) - "A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING FOR PROPERTY SITUATED AT 1550 KOKOMO ROAD, HAIKU, MAUI, HAWAII, FOR THE MAKAWAO CONGREGATION OF JEHOVAH'S WITNESSES INC."

**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.