

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2012 OCT 26 PM 2: 10

A G E N D A

Regular Meeting of November 2, 2012
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

OFFICE OF THE
COUNTY CLERK

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.
e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER MICHAEL B. WHITE

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING EDWARD WENDT FOR BEING NAMED THE RECIPIENT OF THE NATIVE HAWAIIAN LEGAL CORPORATION'S 2012 COMMUNITY ADVOCATE OF THE YEAR AWARD"

NO. _____ - "CONGRATULATING ARCHIE KALEPA FOR BEING INDUCTED INTO THE HAWAII WATERMAN HALL OF FAME"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of September 21, 2012

H. COMMITTEE REPORTS:

NO. 12-123 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Xorin Balbes of Soulspace Ranch, LLC for a District Boundary Amendment from Agricultural to Rural for property located at 1813 Baldwin Avenue, Makawao, Maui, Hawaii, consisting of approximately 5.66 acres, to allow for the continued use of existing dormitory facilities, on-site educational programs, and development of a proposed college;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

NO. 12-124 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amending Title 2, Maui County Code, relating to the establishment of the Lanai Water Advisory Committee; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 12-227 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended September 30, 2012.

NO. 12-228 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of September 30, 2012.

-
- NO. 12-229 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of September 30, 2012.
- NO. 12-230 - BUDGET DIRECTOR, transmitting the following proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENTS PROJECTS)".
- NO. 12-231 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.04, MAUI COUNTY CODE, RELATING TO INFORMATION ON COUNTY OPERATIONS".
- NO. 12-232 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT INTOXICATING LIQUOR IN COUNTY PARKS AND RECREATIONAL FACILITIES".
- NO. 12-233 - COUNCILMEMBER VICTORINO, relating to the dedication of Eha Street, Wailuku, Hawaii.
- NO. 12-234 - COUNCILMEMBER VICTORINO, transmitting the following proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO ACQUISITION AND DISPOSITION OF REAL PROPERTY".
- NO. 12-235 - COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.080, MAUI COUNTY CODE, RELATING TO DEADLINE FOR A COMMUNITY PLAN ADVISORY COMMITTEE TO FORWARD ITS RECOMMENDED REVISIONS".
- NO. 12-236 - COUNCILMEMBER COUCH, relating to the U.S. Fish and Wildlife Service proposal to protect 38 species on Molokai, Lanai, and Maui as endangered and the designation of critical habitat for 135 species.
- NO. 12-237 - COUNCIL CHAIR MATEO, transmitting a letter from Clayton Nishikawa, Kula Ridge LLC, submitting a status update on the Kula Ridge Affordable Housing Subdivision in accordance with Modification No. 13 of Resolution No. 10-57 entitled "APPROVING WITH MODIFICATION THE KULA RIDGE AFFORDABLE HOUSING SUBDIVISION PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES".

NO. 12-238 - COUNCILMEMBER VICTORINO, transmitting proposed resolution entitled "URGING THE HAWAII CONGRESSIONAL DELEGATION, THE MAUI COUNTY DELEGATION TO THE STATE LEGISLATURE, AND THE MAYOR OF THE COUNTY OF MAUI TO SUPPORT THE ACQUISITION OF LIPOA POINT AND LANDS SURROUNDING HONOLUA BAY".

NO. 12-239 - COUNCILMEMBER VICTORINO, relating to Council Members' reports on the Director of Water Supply's presentation to the Makawao, Kula, haiku, and Olinda Community Associations.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 83 (2012) - "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"

BILL NO. 84 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR THE GENERAL FUND, REAL PROPERTY TAX"

BILL NO. 85 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; CAPITAL IMPROVEMENT PROJECTS, FROM THE HIGHWAY FUND, COUNTYWIDE; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 86 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, HUMAN SERVICE TRANSPORTATION PROGRAM – GENERAL FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

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

- BILL NO. 80 (2012) - "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM PARK TO SINGLE-FAMILY AND FROM SINGLE-FAMILY TO PARK FOR TAX MAP KEY NUMBER (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII"
- BILL NO. 81 (2012) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM D-1 DUPLEX DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM PK-4 GOLF COURSE PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM R-1 RESIDENTIAL DISTRICT TO PK-4 GOLF COURSE PARK DISTRICT, AND FROM R-2 RESIDENTIAL DISTRICT TO PK-4 GOLF COURSE PARK DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII"
- BILL NO. 82 (2012) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO SERVICE BUSINESS RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 4950 UAKEA ROAD, HANA, MAUI, HAWAII"

NOTE: ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.