

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of April 6, 2010
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

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

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JAMES W. THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 SOL P. KAHO`OHALAHALA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "CONGRATULATING THE LAHAINALUNA HIGH SCHOOL GIRLS BASKETBALL TEAM FOR WINNING THE DIVISION I STATE CHAMPIONSHIP"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 10-44 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Dr. Brian Atwell to the *Animal Control Board* and Paul Mikolay to the *Subdivision Engineering Standards Committee*;
2. **NOMINATION** and **APPROVAL** of Kevin Boteilho to the *Board of Water Supply*; and
3. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 10-45 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Cheryl Cabebe, et al. v. New Sand Hills, LLC, et al., Civil No. 09-1-0245.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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. 10-65 - CHIEF OF POLICE, informing of the receipt of \$415.00 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 10-66 - MAYOR, informing of a vacancy on the *Molokai Planning Commission* due to the resignation of Taryn Waros.

NO. 10-67 - CHAIR, COMMITTEE OF THE WHOLE, relating to appointments to the Hawaii State Association of Counties (HSAC) Executive Committee and informing of his intention to offer the following motions:

1. A motion to **DISCHARGE** the Committee of the Whole from further consideration of a correspondence dated March 30, 2010, from Councilmember Pontanilla, HSAC Treasurer, requesting that the Council appoint a Council member to serve as an officer on the HSAC executive committee and another Council member to serve as an alternate to the member serving as an officer;

1. COUNTY COMMUNICATIONS (continued):

2. A motion to WAIVE the requirement of committee referral and report;
3. A motion to APPROVE the appointment of Councilmember Joseph Pontanilla to the HSAC Executive Committee for FY 2011;
4. A motion to APPROVE the appointment of Councilmember Bill Kauakea Medeiros as the alternate to the HSAC Executive Committee for FY 2011;
5. A motion to FILE the correspondence dated March 30, 2010;
6. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
7. A motion to FILE this communication.

NO. 10-68 - MAYOR, transmitting the proposed Fiscal Year 2011 Budget and the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2010 TO JUNE 30, 2011";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2011";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF FORTY FIVE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$45,150,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";

1. COUNTY COMMUNICATIONS (continued):

4. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO MOTOR VEHICLE WEIGHT TAX AND MOTOR VEHICLE DRIVERS' LICENSE";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX, DIRECTOR DUTIES AND RESPONSIBILITIES, AND ADJUSTMENTS AND REFUNDS";
6. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.305, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX LAND CLASSIFICATION";
7. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.450, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX HOME EXEMPTION"; and
8. A proposed resolution entitled "AUTHORIZING THE DIRECTOR OF FINANCE TO COMPROMISE THE PENALTIES AND INTEREST PORTION OF REAL PROPERTY TAXES ASSESSED AGAINST HAWAIIAN HOME LANDS HOMESTEAD LESSEES IN EXCHANGE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS MAKING PAYMENT OF REAL PROPERTY TAXES OWED BY HAWAIIAN HOME LANDS HOMESTEAD LESSEES".

NO. 10-69 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of February 2010.

NO. 10-70 - COUNCILMEMBER MEDEIROS, relating to the quality of services available to the physically challenged in Maui County.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCE - SECOND AND FINAL READING:

BILL NO. 25 (2010) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 2041 (1991), PERTAINING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI"

BILL NO. 26 (2010) - "A BILL FOR AN ORDINANCE GRANTING FRANCES FEETER, BILL FEETER, AND CHRISTINE FEETER A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL WITHIN THE STATE RURAL DISTRICT AND COUNTY RU-0.5 RURAL ZONING DISTRICT, FOR PROPERTY SITUATED AT 8770 KAMEHAMEHA V HIGHWAY, PUKOO, MOLOKAI, HAWAII; TAX MAP KEY NO. (2) 5-7-007:011"

BILL NO. 27 (2010) - "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO THE EDWARD D. THIELK REVOCABLE TRUST IN ORDER TO USE EIGHT OFF-SITE PARKING STALLS WITHIN THE COUNTY R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII"

L. UNFINISHED BUSINESS:M. ANNOUNCEMENTS

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.