

JAMES Y. ARAKAKI
Chairman & Presiding Officer

J. CURTIS TYLER, III
Vice Chairman



AARON S.Y. CHUNG
LENINGRAD ELARIONOFF
JULIE JACOBSON
BOBBY JEAN LEITHEAD-TODD
NANCY PISICCHIO
GARY SAFARIK
DOMINIC YAGONG

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

29th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, February 6, 2002
9:00 a.m.

INVOCATION	Stewart Hussey of the Christian Science Church
CALL TO ORDER	9:05 a.m.
ROLL CALL	All present
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	December 5, 2001 (deferred January 24, 2002), and December 19, 2001 - approved as amended

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF
CONDOLENCE

STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON THE ORDER OF BUSINESS

ORDER OF RESOLUTIONS

Res. 163-02: Names streets in the County of Hawai'i, State of Hawai'i.
(Draft 2) {Hale Ke'eke'e Place – located within the Hale Ke'eke'e Subdivision, Ke'eke'e 1st and
2nd, South Kona, Hawai'i.}

Re: Comm. 475.1
Intr. by: Ms. Leithead-Todd
Approved: PC-61

ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler,
Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 164-02: Authorizes the acceptance of a donation of real property from Kikuyo Kanemoto, Tax
Map Key (3)2-3-019:018.

Re: Comm. 482
Intr. by: Mr. Elarionoff
Approved: PWIRC-38

DEFERRED

Res. 166-02: Authorizes the acceptance of a donation of one African Spur Thighed Tortoise for the
Pana'ewa Rainforest Zoo.
{Department of Parks and Recreation – donation provided from Mr. Ross Miyose.}

Re: Comm. 484
Intr. by: Mr. Chung
Approved: FC-177

ADOPTED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio,
Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None.

Res. 167-02: Authorizes the Finance Director of the County of Hawai'i to sell County office spaces within the Hilo Lagoon Centre;

Re: Comm. 485
Intr. by: Mr. Chung (B/R)
Approved: FC-178

and

Comm. 485.1: From Finance Director William Takaba, dated January 30, 2002, transmitting Res. 167-02, Draft 2.

Res. 167-02: Authorizes the Finance Director of the County of Hawai'i to sell County office spaces (Draft 2) within the Hilo Lagoon Centre.

{Corrects the total square footage for Unit 117 and identifies the unit for Civil Service with Tax Map Key 2-2-014-010:028 as Unit 133.}

AMENDED TO DRAFT 3 & ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 168-02: Approves the cost adjustments agreed upon by the employers for excluded managerial employees covered by Chapter 77, Hawai'i Revised Statutes.

Re: Comm. 486
Intr. by: Mr. Chung
No Recommendation: FC-179

ADOPTED

6 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Safarik and Chairman Arakaki

3 NOES: Councilmembers Pisicchio, Tyler and Yagong.

BILLS FOR ORDINANCES (FIRST READING)

Bill 150: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the fiscal year July 1, 2001, to June 30, 2002.
{Adds the PARKS AND RECREATION Pahoehoe Sewage Pump Station – State Revolving Fund (\$231,402.27); funds for this project shall be provided from Fund Balance – State Revolving Fund.}

Re: Comm. 472

Intr. by: Mr. Chung

Approved: FC-175

AMENDED TO DRAFT 2 & PASSED 1ST READING

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Leithead-Todd.

Bill 152: Amends Ordinance No. 96-117, which amended Section 25-95A (North and South Kohala Districts Zone Map) and Section 25-95E (Lalamilo-Puukapu Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawai'i County Code, and Ordinance (Draft 2) No. 92-65 by changing the district classification from Agricultural (A-40a) and (A-3a); Single Family Residential (RS-7.5), (RS-10), (RS-15) and (RS-20); Double Family Residential (RD-5); Multiple Family Residential (RM-2) and (RM-3); Village Commercial (CV-7.5); and Limited Industrial (ML-20) to Agricultural (A-40a), Residential and Agricultural (RA-1a), Single Family Residential (RS-7.5) and (RS-10); Multiple Family Residential (RM-5.0); Village Commercial (CV-7.5); and Limited Industrial (ML-20) at Ouli, Lanikepu, Lalamilo, Waikoloa and Puukapu, Waimea, South Kohala, Hawai'i, covered by Tax Map Key 6-2-01:9; 6-7-01:Portion of 25; 6-7-02:9, 48, and Portion of 17; and 6-8-01:Portions of 1 and 8.
{County of Hawai'i Department of Parks and Recreation, applicant; amends Condition G to provide flexibility in determining the location of the park and recreational purposes outside of the geographical area covered by ordinance.}

Re: Comm. 477.1

Intr. by: Ms. Leithead-Todd

Approved: PC-56

PASSED 1ST READING

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Bill 153: Amends the State Land Use Boundaries Map, H-7 for the County of Hawai'i, by changing the district classification from the Agricultural to the Urban District at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:Portions of 32 and 33.
{David S. DeLuz, Sr., Enterprises Profit Sharing Plan; applicant.}

Re: Comm. 478
Intr. by: Ms. Leithead-Todd (B/R)
Approved: PC-57

PASSED 1ST READING

7 AYES: Councilmembers Chung, Elarionoff, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
1 NO: Councilmember Jacobson
1 ABSENT & EXCUSED: Councilmember Leithead-Todd.

Bill 154: Amends Section 25-8-3 (North Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Neighborhood Commercial (CN-10) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:Portions of 32 and 33.
{David S. DeLuz, Sr., Enterprises Profit Sharing Plan; applicant.}

Re: Comm. 478
Intr. by: Ms. Leithead-Todd (B/R)
Approved: PC-58

DEFERRED

Bill 155: Amends the State Land Use Boundaries Map, H-14 for the County of Hawai'i, by changing the district classification from the Agricultural to the Rural District at Ouli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:8.
{Phil Delmer, applicant.}

Re: Comm. 479
Intr. by: Ms. Leithead-Todd (B/R)
Approved: PC-59

PASSED 1ST READING

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
1 NO: Councilmember Jacobson.

Bill 156: Amends Section 25-8-7 (North and South Kohala District Zone Map), Article 8, (Draft 2) Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:8. {Phil Delmer, applicant.}

Re: Comm. 479.1
Intr. by: Ms. Leithead-Todd
Approved: PC-60

PASSED 1ST READING

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
1 NO: Councilmember Jacobson.

Bill 161: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the fiscal year July 1, 2001, to June 30, 2002. {Adds the PUBLIC WORKS Kawaiilani Street Bridge Replacement Project – Federal (\$640,000) and State (\$500,000); funds for this project shall be provided from Federal Grants Receivable and State Grants Receivable.}

Re: Comm. 483
Intr. by: Mr. Arakaki
Approved: FC-176

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None.

Bill 169: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002. {Appropriates revenues of \$1,000,000 in the Housing Assistance Payments, Housing account; and appropriates same to the Housing Subsidies, Housing account.}

Re: Comm. 505
Intr. by: Mr. Safarik
Waived: CHA – 1/23/02

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 195: Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from (Draft 4) Agricultural (A-20a) to Industrial-Commercial Mixed Use (MCX-20) at Kea'au, Puna, (2001) Hawai'i, covered by Tax Map Key 1-06-03:Portion of 7; {W.H. Shipman, Ltd., applicant};

Re: Comm. 27.17
 Intr. by: Ms. Leithead-Todd
 1st Reading: February 22, 2001
 Deferred: March 9, 2001; October 10, 2001

and

Comm. 27.56 From Planning Committee Chair Bobby Jean Leithead-Todd, dated January 23, 2002, transmitting Bill 195, Draft 5.

Bill 195: Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Draft 5) (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-20a) to Industrial-Commercial Mixed Use (MCX-20) at Kea'au, Puna, Hawai'i, covered by Tax Map Key 1-06-03:Portion of 7; {W.H. Shipman, Ltd., applicant; The amendments from Draft 4 to Draft 5 are as follows: 1) Condition E. Deletes the last sentence "Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties."; 2) Condition F. Inserts language to establish goals for the overall master design guideline plan, and to establish a minimum fifty-foot setback from the Volcano Highway to the buildings; 3) Condition G. Inserts language to establish and achieve the goals for the landscaping master plan; 4) Condition M. States Connector Road 2 shall be completed within one year instead of two years of final subdivision approval for any portion of Phase I; and 5) Condition N. Deletes the existing language that specifies Connector Roads 1 and/or 2 be constructed at the County's expense, if the County determines it should be built ahead of schedule. Inserts language allowing Connector Road 2 to be constructed by the applicant prior to the development schedule, if the County Department of Public Works determines that the Road A/Volcano Highway/Kea'au Bypass intersection is being adversely impacted.);

and

Comm. 27.18: From Erik Birkholm, Aina Hawai'i Realty, dated February 22, 2001; and

Comm. 27.53: From Vice Chair J. Curtis Tyler, III, dated May 17, 2001, transmitting a memorandum from Deputy Corporation Counsel Pat O'Toole; and

Comm. 27.54: From Public Works Director Dennis K. W. Lee, P.E., dated September 27, 2001; and

Comm. 27.55: From Laura Brezinsky, dated October 10, 2001.

DEFERRED

Bill 144: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Increases revenues of \$1,690 in the Contribution from Private Source account; and appropriates same to the Fire Protection account. }

Re: Comm. 355.1
Intr. by: Mr. Chung
1st Reading: January 24, 2002

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Picicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None.

Bill 145: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the fiscal year July 1, 2001, to June 30, 2002.
{Adds the PARKS AND RECREATION Ho'okena Beach Park Improvements (\$125,000); funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources. }

Re: Comm. 436
Intr. by: Mr. Chung
1st Reading: January 24, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Picicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Bill 146: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the fiscal year July 1, 2001, to June 30, 2002.
{Adds the PARKS AND RECREATION Miloli'i Beach Park Improvements (\$66,846); funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources. }

Re: Comm. 437
Intr. by: Mr. Chung
1st Reading: January 24, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Picicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Bill 147: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the fiscal year July 1, 2001, to June 30, 2002.
{Adds the PARKS AND RECREATION Waimea Senior Center Renovations (\$16,055); funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources.}

Re: Comm. 438
Intr. by: Mr. Chung
1st Reading: January 24, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Bill 148: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the fiscal year July 1, 2001, to June 30, 2002.
{Adds the PUBLIC WORKS Onomea Camp Road Bridge Replacement - Federal (\$100,000); funds for this project shall be provided from Federal Grants Receivable.}

Re: Comm. 451
Intr. by: Mr. Yagong
1st Reading: January 24, 2002

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None.

Bill 149: Amends Ordinance No. 98-87, which amended Ordinance No. 90-008, and which reclassified lands from Agricultural (A-20a) to Agricultural (A-3a) at Kahua 1st, North Kohala, Hawai'i, covered by Tax Map Key 5-9-07:7.
{Elwin F. Hussey, applicant.}

Re: Comm. 452
Intr. by: Ms. Leithead-Todd
1st Reading: January 24, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

1 NO: Councilmember Jacobson.

Bill 162: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002. {Appropriates revenues of \$66,875 in the Fund Balance from Prior Year, Cemetery account; and appropriates same to the Alae Cemetery Improvement - Other Current Expenses, Cemetery account.}

Re: Comm. 487
 Intr. by: Mr. Chung (B/R)
 1st Reading: January 24, 2002

PASSED 2ND & FINAL READING

7 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler and Yagong

NOES: None

1 ABSTAIN: Chairman Arakaki

1 ABSENT & EXCUSED: Councilmember Chung.

REPORTS

REFERRALS FOR EXECUTIVE SESSION

(The purpose of the meeting is to consult with Corporation Counsel relating to matters involving potential County liability, as authorized by Sections 92-4 and 92-5, HRS.)

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

	<u>WEDNESDAY, FEBRUARY 20, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>THURSDAY, FEBRUARY 21, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>THURSDAY, MARCH 7, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>FRIDAY, MARCH 8, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 12:13 p.m.

(Note: B/R, as listed next to the name of an Introducer, signifies that the Councilmember has agreed to introduce legislation "By Request" and on behalf of the requesting party; however, it does not necessarily signify their support of or opposition to the proposal.)

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8255. Persons using TDDs may call 961-8521. Those desiring to speak on matters listed on the Order of Business must register at the County Clerk's Office prior to the convening of the meeting. Copies may be viewed at the Hawai'i County Services Office at 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i 96740; at the Office of the County Clerk at 25 Aupuni Street, Hilo, Hawai'i 96720; and the County Council's Kona Branch Office at 77-6399 Nalani Street, Suite 104, Kailua-Kona, Hawai'i 96740.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, February 13, 2002, at 6 p.m.; Sunday, February 17, 2002, at 10:30 a.m.; and Wednesday, February 20, 2002, at 6 p.m.