

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*

34th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, April 17, 2002
9:00 a.m.

INVOCATION

Reverend Tuck Wah Lee of Haili Church

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 8, 2002

(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. 181-02: Changes the position status of school crossing guards (hourly) (temporary) to permanent status.

Re: Comm. 547
Intr. by: Mr. Chung
Approved: FC-213

Res. 185-02: Authorizes the Director of Finance to negotiate a lease of the former Waimea Tax Office Building to the Historic Hawai'i Foundation.

Re: Comm. 562
Intr. by: Mr. Elarionoff
Approved: FC-207

Res. 186-02: Authorizes the acceptance of a donation of Hazmat response equipment to the Hawai'i County Fire Department.

Re: Comm. 563
Intr. by: Mr. Chung
Approved: FC-208

Res. 187-02: Changes the classification and time element of a Clerk-Stenographer 3/4T to Clerk II full time.

Re: Comm. 564
Intr. by: Mr. Chung (B/R)
Approved: FC-209

Res. 188-02: Creates two (2) Deputy Prosecuting Attorney (temporary) positions for the Office of the Prosecuting Attorney.

Re: Comm. 565
Intr. by: Mr. Chung
Approved: FC-210

Res. 197-02: Authorizes the Office of the Mayor to enter into an agreement with the Department of Transportation, State of Hawai'i, pursuant to HRS 46-7, for a Fire Equipment Purchase Grant.

Re: Comm. 536.1
Intr. by: Mr. Chung
Waived: FC

Res. 198-02: Authorizes the Office of the Mayor to enter into an agreement with the Department of Transportation, State of Hawai'i, pursuant to HRS 46-7, for a Child Protective Seats Grant.

Re: Comm. 537.1
Intr. by: Mr. Chung
Waived: FC

Res. 199-02: Authorizes the Office of the Mayor to enter into an agreement with the United States of America, pursuant to HRS 46-7, for a Community Gun Violence Prosecution Program Grant.

Re: Comm. 546.1
Intr. by: Mr. Chung
Waived: FC

Res. 200-02: Authorizes the Office of the Mayor to enter into an agreement with the Department of Transportation, State of Hawai'i, pursuant to HRS 46-7, for a Keahole to Honaunau Regional Circulation Plan Grant.

Re: Comm. 548.1
Intr. by: Mr. Chung
Waived: FC

Res. 201-02: Authorizes the Office of the Mayor to enter into an agreement with the United States of America, pursuant to HRS 46-7, for a HI Impact Project Grant.

Re: Comm. 558.1
Intr. by: Mr. Chung
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 192: 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 7-3-5:95 and portion of 31. {David S. De Luz Sr., Enterprises Profit Sharing Plan, applicant.}

Re: Comm. 552
Intr. by: Ms. Leithead-Todd
Approved: PC-69

Bill 193:
(Draft 2) 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) and Single Family Residential (RS-10) to Single Family Residential (RS-20) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:95, portion of 85 and portion of 31. {David S. De Luz Sr., Enterprises Profit Sharing Plan, applicant.}

Re: Comm. 552.1
Intr. by: Ms. Leithead-Todd
Approved: PC-70

Bill 194: 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 7-3-5:30. {Ellen M. Garver, applicant.}

Re: Comm. 553
Intr. by: Ms. Leithead-Todd
Approved: PC-71

Bill 195:
(Draft 2) Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Single Family Residential (RS-20) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:30. {Ellen M. Garver, applicant.}

Re: Comm. 553.1
Intr. by: Ms. Leithead-Todd
Approved: PC-72

- Bill 198: 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 \$230,900 in the Federal Grants - Hawai'i Impact Grant account; and appropriates same to the Hawai'i Impact Grant account.}
- Re: Comm. 558
Intr. by: Mr. Chung
Approved: FC-205
- Bill 199: Amends Chapters 20 and 21 of the Hawai'i County Code 1983 (1995 Edition), to replace references to the Department of Public Works with the Department of Environmental Management, and to add definitions of Environmental Management Commission.
- Re: Comm. 566
Intr. by: Mr. Yagong
Approved: PEMC-14
- Bill 200: Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), relating to Solid Waste fees.
{Transfers solid waste fee setting authority from the County Council to the Environmental Management Commission, as provided by Section 6-5.5 of the Hawai'i County Charter 2000.}
- Re: Comm. 567
Intr. by: Mr. Chung
Filed: FC-211
- Bill 201: Amends Chapter 21, of the Hawai'i County Code 1983 (1995 Edition), relating to sewer service charges.
{Transfers the sewer service charges rate setting authority from the County Council to the Environmental Management Commission, as provided by Section 6-5.5 of the Hawai'i County Charter 2000.}
- Re: Comm. 567
Intr. by: Mr. Chung
Filed: FC-212

Bill 205: Amends Chapter 22, of the Hawai'i County Code 1983 (1995 Edition), relating to Streets and Sidewalks. (This bill proposes significant changes to Chapter 22, Hawai'i County Code, "Streets and Sidewalks". This bill repeals the chapter and replaces it with an amended and reorganized chapter consisting of nine articles. The bill contains virtually the same substance as Bill 225, Draft 6 [please refer to the previous Council agendas dated December 19, 2001; February 21, 2002; and March 8, 2002], vetoed by the Mayor on March 25, 2002, because of concerns relating to building numbering and penalties. This bill differs from Bill 225, Draft 6, as follows: 1) deletion of final paragraph of purpose and intent clause; 2) deletion of Article 5, Division 2, on Building Numbering; 3) deletion of minimum administrative fine in §22-8(c)(4) & (5); 4) deletion of misdemeanor criminal fine; 5) addition of subsection to decriminalize violations of Article 3, "Use of County Streets"; and 6) deletion of sections creating liens on properties resulting from unpaid fines and costs.)

Re: Comm. 580
 Intr. by: Mr. Elarionoff
 Waived: PWIRC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 186: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
 {Conversion of Nânâwale Boulevard/Kçhau Road Intersection to a 4-Way Stop.}

Re: Comm. 540
 Intr. by: Mr. Elarionoff
 1st Reading: April 3, 2002

Bill 187: Amends Chapter 2, of the Hawai'i County Code 1983 (1995 Edition), relating to Administration.
 (Draft 2)
 {Adds the Department of Environmental Management under the direct supervision of the Managing Director and deletes sewer and solid waste functions from the Department of Public Works. Draft 2 organizes the executive branch according to the 2000 Hawai'i County Charter amendments.}

Re: Comm. 541.1
 Intr. by: Mr. Yagong
 1st Reading: April 3, 2002

Bill 188: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
 {Deletes Section 24-216.01 (Flat Rate Payment) and all references to a flat rate payment option for parking meter zones.}

Re: Comm. 542
 Intr. by: Mr. Elarionoff
 1st Reading: April 3, 2002

Bill 189: Amends the Parks and Recreational Facility Schedule, Chapter 15, Section 15-68.1, (Draft 2) Hawai'i County Code 1983 (1995 Edition), relating to naming the Waiâkea-Uka Gym located at Waiâkea-Uka Park "Stanley Costales Waiâkea-Uka Gym" in honor of Stanley Costales.

Re: Comm. 543.2
 Intr. by: Mr. Arakaki
 1st Reading: April 3, 2002

Bill 190: 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 \$80,000 in the Federal Grants-Gun Grant Prosecution account; appropriates same to the Gun Grant Prosecution account. }

Re: Comm. 546
 Intr. by: Mr. Chung
 1st Reading: April 3, 2002

Bill 191: 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 \$80,000 in the Federal Grants-Keahole-Honaunau Regional Transportation Circulation Plan account; and appropriates same to the Keahole-Honaunau Regional Transportation Circulation Plan account. }

Re: Comm. 548
 Intr. by: Mr. Chung
 1st Reading: April 3, 2002

REPORTS

FC Rept. 206: Recommends the acceptance of a \$50 donation from Mr. Edward Fukuda, dba Kandi's (C-561) Drive Inn, Inc. (for the Department of Parks and Recreation Division's Annual Biggest Easter Egg Hunt).

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.)

Comm. 588: EXECUTIVE SESSION – COUNTY EMPLOYEE REQUEST FOR COUNSEL
 From Corporation Counsel Lincoln S. T. Ashida, dated March 27, 2002.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, APRIL 30, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, MAY 1, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, MAY 14, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, MAY 15, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
COUNCIL PUBLIC HEARING (REAL PROPERTY TAX RATES)	5:00 p.m.	COUNCILROOM
	<u>THURSDAY, MAY 16, 2002</u>	
COUNCIL PUBLIC HEARING (REAL PROPERTY TAX RATES)	6:00 p.m.	ROYAL KONA RESORT DISCOVERY ROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT

(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 by April 15, 2002. 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, April 24, 2002, at 6 p.m.; Sunday, April 28, 2002, at 10:30 a.m.; and Wednesday, May 1, 2002, at 6 p.m.