

JAMES Y. ARAKAKI  
*Chairman & Presiding Officer*

J. CURTIS TYLER, III  
*Vice Chairman*



AARON S.Y. CHUNG  
LENINGRAD ELARIONOFF  
FRED C. HOLSCHUH, M.D.  
BOB JACOBSON  
BOBBY JEAN LEITHEAD-TODD  
JOE REYNOLDS  
GARY SAFARIK

## COUNTY COUNCIL

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

5<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Wednesday, February 5, 2003  
9:00 a.m.

INVOCATION

Reverend Tag Taggart of the Center for Spiritual Growth

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

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

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

Comm. 120: VISITATION BY GOVERNOR LINDA LINGLE  
From Council Member Leningrad Elarionoff, dated January 22, 2003, states the Governor will address concerns raised by Council Members relating to island-wide issues. Further states that her presentation will be an hour long and will be followed by a break.

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

**ORDER OF RESOLUTIONS**

Res. 34-03: Authorizes the acceptance of a monetary donation of \$1,000 to the Hawai'i County Police Department. {Funds provided by the Hawai'i Island Chapter of the Hawai'i Joint Police Association to be used towards the Hawai'i County Police Department's HI-PAL Program.}

Re: Comm. 102  
Intr. by: Mr. Chung  
Approved: FC-41

Res. 35-03: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a multi-year lease of real property for the EMS Ambulance Unit in Na'alehu. {Their current lease expires on March 1, 2003.};

Re: Comm. 103  
Intr. by: Mr. Chung  
Approved: FC-43

and

Comm. 103.1: From Deputy Fire Chief Desmond K. Wery, dated January 27, 2003.

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 17: 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 6-2-11:25 (Approx. 5.0005 acres). {Robert D. Fischler, Applicant.}

Re: Comm. 46  
Intr. by: Ms. Leithead-Todd  
Approved: PC-13

Bill 18: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8, 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 'Ōuli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:25 (Approx. 5.0005 acres). {Robert D. Fischler, Applicant.}

Re: Comm. 46  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-14

Bill 38: 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 Hienaloli 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>, North Kona, Hawai'i, covered by Tax Map Key 7-5-10:Portion of 52 and Portion of 65 (Approx. 10.02 acres). {Walter and Susan Welton, Applicants.}

Re: Comm. 96  
 Intr. by: Ms. Leithead-Todd (B/R)  
 Approved: PC-15

Bill 39: 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 Hienaloli 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>, North Kona, Hawai'i, covered by Tax Map Key 7-5-10:Portion of 52 and Portion of 65 (Approx. 10.02 acres). {Walter and Susan Welton, Applicants.};

Re: Comm. 96.2  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-16

and

Comm. 96.3: From David O. Kish, dated January 21, 2003; and  
 Comm. 96.4: From Harrilyn Wong, dated January 17, 2003; and  
 Comm. 96.5: From Diane Stone Leaf and Dr. Ted Leaf, dated January 18, 2003; and  
 Comm. 96.6: From Rab and Lynn Puri, dated January 21, 2003; and  
 Comm. 96.7: From Lolly Rodgers, dated January 19, 2003; and  
 Comm. 96.8: From Jerry Jernigan, dated January 20, 2003; and  
 Comm. 96.9: From Pamela Allegretto Franz and Ron A. Franz; and  
 Comm. 96.10: From David and Christine Hamilton, dated January 17, 2003; and  
 Comm. 96.11: From Daniel and Patricia Olson, dated January 16, 2003; and  
 Comm. 96.12: From Joanne and John Scribner, dated January 20, 2003; and  
 Comm. 96.13: From Mark and Denise Jernigan, dated January 21, 2003.

Bill 40: Amends Section 25-8-4 (South Kona Zone Map), Article 8, Chapter 25 (Zoning Code) (Draft 2) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Residential and Agricultural (RA-1a) at Waipunaula, South Kona, Hawai'i, covered by Tax Map Key 8-2-3:31 (Approx. 5.263 acres). {Daniel Decker, Applicant.}

Re: Comm. 97.1  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-17

Bill 41: 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 4<sup>th</sup>, North Kona, Hawai'i, covered by Tax Map Key 7-3-10:29 (Approx. 8.2560 acres). {Dennis Young, Applicant.}

Re: Comm. 98  
 Intr. by: Ms. Leithead-Todd (B/R)  
 Approved: PC-18

Bill 42: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) (Draft 2) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Single Family Residential (RS-15) at Kalaoa 4<sup>th</sup>, North Kona, Hawai'i, covered by Tax Map Key 7-3-10:29 (Approx. 8.2560 acres). {Dennis Young, Applicant.}

Re: Comm. 98.1  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-19

Bill 43: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic. {Proposed passenger loading zone located on the mauka-side of Kino'ole Street, Puna-side of the old Hilo Hotel exit driveway as requested by Dr. John Wohler, Director, Hilo After Hours Medical Clinic.}

Re: Comm. 101  
 Intr. by: Mr. Elarionoff  
 Approved: PWIRC-12

Bill 44: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$1,000 from Contribution/Donation from Private Source; appropriates same to HI-PAL Other Current Expense.}

Re: Comm. 102  
 Intr. by: Mr. Chung  
 Approved: FC-42

Bill 50: Amends Ordinance No. 02-77, as amended, relating to Public Improvements and financing thereof for the fiscal year July 1, 2002 to June 30, 2003. {Adds PARKS AND RECREATION – New Waikoloa – Ho‘oko Street Park – District 9 (\$550,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$550,000).};

Re: Comm. 119  
 Intr. by: Mr. Elarionoff  
 Waived: FC  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

and

Comm. 119.1: From Mayor Harry Kim, dated January 27, 2003.

### ORDER OF THE DAY (SECOND OR FINAL READING)

Res. 31-03: Authorizes the acquisition of private property by eminent domain, being a portion of  
 (Draft 2) Tax Map Key:(3)8-1-007:045, situate at Onouli 2 and Keōpuka, South Kona, County and State of Hawai'i, for the development and construction of a bypass highway between the vicinity of Keauhou and Captain Cook, Kona, Hawai'i.

Re: Comm. 72.3  
 Intr. by: Mr. Chung (B/R)  
 1<sup>st</sup> Reading: January 23, 2003

Bill 3: Amends Section 25-8-5 (Kailua Urban Zone Map) Article 8, Chapter 25 (Zoning  
 (Draft 5) Code) of the Hawai'i County Code, by changing the district classification from Single Family Residential (RS-10) to Multiple Family Residential (RM-4) at Waiaha 1<sup>st</sup>, North Kona, Hawai'i, covered by Tax Map Key 7-5-18:8 (Approx. 18.946 acres). {Sunstone Realty Partners X, LLC, Applicant.}

Re: Comm. 18.16  
 Intr. by: Ms. Leithead-Todd  
 1<sup>st</sup> Reading: January 23, 2003

Bill 13: Amends Ordinance No. 02-77, as amended, relating to Public Improvements and financing thereof for the fiscal year July 1, 2002 to June 30, 2003. {Adds POLICE – Microwave Relocation – Private – T-Mobile (\$1,064,332.16); funds to be provided from Private Contributions (\$1,064,332.16).}

Re: Comm. 29  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: January 23, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 19:  
(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 Limited Industrial (ML-1a) to Industrial-Commercial Mixed Use (MCX-1a) at Kaloko, North Kona, Hawai'i, covered by Tax Map Key Nos. 7-3-51:66, 67, 68 and 69 (Approx. 4.38 acres). {Kaloko Development, Inc., Applicant.}

Re: Comm. 47.1  
Intr. by: Ms. Leithead-Todd  
1<sup>st</sup> Reading: January 23, 2003

Bill 20: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$24,000 from Federal Grants – Alcohol Reconstructionist; appropriates same to Alcohol Reconstructionist.}

Re: Comm. 51  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 21: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$6,338 from Commercial Driver License (CDL) Program Income; appropriates same to Commercial Driver License Program Equipment.}

Re: Comm. 52  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 22: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$32,650 from Federal Grants – Sobriety Checkpoint Expansion; appropriates same to Sobriety Checkpoint.}

Re: Comm. 53  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 24:  
(Draft 2) 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 Open (O) and Agricultural (A-1a) to Agricultural (A-5a) at Kapoho and Halekamahina, Puna, Hawai'i, covered by Tax Map Key 1-4-73:3. (Approx. 5.006 acres). {Rose Marie Nathewitch & Samuel Hostetter, Jr., Applicants.}

Re: Comm. 58.1  
Intr. by: Ms. Leithead-Todd  
1<sup>st</sup> Reading: January 23, 2003

Bill 25: Amends the State Land Use Boundaries Map, H-59 for the County of Hawai'i by changing the district classification from the Agricultural to the Rural District at Manowai'ōpae Homesteads, North Hilo, Hawai'i, covered by Tax Map Key 3-5-4:77. {Karl & Rita Nobriga, Applicants.}

Re: Comm. 59  
Intr. by: Ms. Leithead-Todd  
1<sup>st</sup> Reading: January 23, 2003

Bill 26:  
(Draft 4) Amends Section 25-8-19 (North Hilo District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-20a) to Residential and Agricultural (RA-1a) at Manowai'ōpae Homesteads, North Hilo, Hawai'i, covered by Tax Map Key 3-5-4:77 (Approx. 3.80 acres). {Karl & Rita Nobriga, Applicants.}

Re: Comm. 59.3  
Intr. by: Ms. Leithead-Todd  
1<sup>st</sup> Reading: January 23, 2003

Bill 27: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$3,000 from Federal Grants – Drinking/Driving Community Education Campaign; appropriates same to Drinking/Driving Community Education.}

Re: Comm. 60  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 28: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$4,340 from Federal Grants – Project Incorporating Measures to Prevent Alcohol Consumption by Teens (IMPACT); appropriates same to Project IMPACT.}

Re: Comm. 61  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 29: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$6,245 from Federal Grants – Equipment/Training Program; appropriates same to Equipment/Training Program.}

Re: Comm. 62  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 30: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$792 from Federal Grants – Crossing Guard Training; appropriates same to Crossing Guard Training.}

Re: Comm. 63  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 31: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$5,995 from Federal Grants – Under 21 Surveillance; appropriates same to Under 21 Surveillance.}

Re: Comm. 66  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003

Bill 32:  
(Draft 2) Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic Fee Schedule. {Increases the annual fee for abandoned vehicle portion of the vehicle registration from \$4 to \$12. Proceeds from this fee are allocated for the towing, removal, disposal and recycling of abandoned or discarded automobiles and automobile parts.}

Re: Comm. 67.1  
Intr. by: Mr. Chung (B/R)  
1<sup>st</sup> Reading: January 23, 2003

Bill 45:  
(Draft 2) Authorizes the issuance of General Obligation Bonds of the County of Hawai'i for the purpose of financing various public improvements of the County of Hawai'i; fixing the form, denominations, and certain other details of such bonds and providing for their sale to the public; and 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. {Provides that the proceeds for up to \$17,050,000 in general obligation bonds be expended on the Kahului-Keauhou Parkway, ADA Ramp Compliance Project, ADA Parks Facilities Compliance Project, the Public Safety Complex Evidence-Warehouse/Radio Shop Complex, the Pahoia Village Resource Park (PVRP) and the Waikoloa Ho'oko Street Park (WHSP); provided that \$1,250,000 and \$550,000 of the actual amounts as necessary, whichever is less, are allotted towards the PVRP and the WHSP, respectively.}

Re: Comm. 37.8  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: January 23, 2003  
2/3 Vote: Rule 12(a), Council Rules of Procedure

Bill 46: Amends Ordinance No. 02-77, as amended, relating to Public Improvements and financing thereof for the fiscal year July 1, 2002 to June 30, 2003. {Adds PARKS AND RECREATION – Pahoia Village Resource Park (\$1,250,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$1,250,000).}

Re: Comm. 106  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: January 23, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

## REPORTS

PWIRC Rept. 10 (C-76): Recommends the approval of the appointment of Ms. Sue M. Ota to the Hawai'i County Transportation Commission.

PWIRC Rept. 11 (C-76): Recommends the approval of the appointment of Mr. Merle Martin to the Hawai'i County Transportation Commission.

FC Rept. 35 (C-77): Recommends the approval of the appointment of Mr. Clifford N. Kaminaka and Ms. Kaliko Chun to the Hawai'i County Civil Service Commission.

FC Rept. 36 (C-78): Recommends the approval of the appointment of Mr. Stephen H. Ono and Mr. Ronald Castillo, Jr., to the Hawai'i County Liquor Control Adjudication Board.

FC Rept. 37 (C-79): Recommends the approval of the appointment of Mr. Kerry Inouye and Mr. Joel Gimpel to the Hawai'i County Board of Ethics.

FC Rept. 38 (C-88): Recommends the approval of the appointment of Mr. Tsukasa Ishii, Mr. Richard P. Rego and Mr. Paul W. Mann to the Hawai'i County Salary Commission.

FC Rept. 39 (C-94): Recommends the approval of the appointment of Mr. Sean T. Oda to the Hawai'i County Pension Board.

FC Rept. 40 (C-105): Recommends the approval of the appointment of Mr. Yukio Takeya, Mr. Carl E. Dionne and Ms. Leina'ala B. Enos to the Hawai'i County Liquor Commission.

PEMC Rept. 2 (C-80): Recommends the approval of the appointment of Mr. Dale E. Wilson, Ph.D., to the Hawai'i County Veterans Advisory Committee.

PC Rept. 9 (C-81): Recommends the approval of the appointment of Mr. Valta A. Cook and Mr. Hugo Coutandin to the Hawai'i County Board of Appeals.

PC Rept. 10 (C-82): Recommends the approval of the appointment of Mr. Leonard Tanaka to the Hawai'i County Water Board.



**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 February 3, 2003. 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 12, 2003, at 6 p.m.; Sunday, February 16, 2003, at 10:30 a.m.; and Wednesday, February 19, 2003, at 6 p.m.