

PETE HOFFMANN
Chair & Presiding Officer

K. ANGEL PILAGO
Vice Chair



BRENDA FORD
STACY K. HIGA
DONALD IKEDA
BOB JACOBSON
EMILY I. NAEOLE
DOMINIC YAGONG
J YOSHIMOTO

COUNTY COUNCIL

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

21st Session

ORDER OF BUSINESS

Hawai'i County Council
333 Kīlauea Avenue
(Ben Franklin Building)
Second Floor, Council Room
Hilo, Hawai'i

Wednesday, October 3, 2007
8:30 a.m.

INVOCATION	Pastor Richard Uejo of KMC Chapel and Heritage Fellowship
CALL TO ORDER	8:38 a.m.
ROLL CALL	
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	February 7 and August 22, 2007 - APPROVED

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

*Serving the Interests of the People of Our Island
Hawai'i County is an Equal Opportunity Provider and Employer.*

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE**8:30 A.M.: STATEMENTS FROM THE PUBLIC ON COMMUNICATIONS AND ORDER OF RESOLUTIONS****COMMUNICATIONS****[Comm. 589.1:](#) ESTABLISHMENT OF A TASK FORCE TO DISCUSS IMPLEMENTATION OF RESOLUTION 295-07**

From Council Chair Pete Hoffmann, dated September 21, 2007, recommending a process for the establishment of a taskforce to discuss implementation of Resolution 295-07 (adopted by the Council on September 6, 2007) to hire a legislative liaison to represent the Council at the 2008 State Legislature.

FILED COMMUNICATION (ESTABLISHED TASK FORCE MEMBERS: BOB JACOBSON, K. ANGEL PILAGO, DOMINIC YAGONG, AND PETE HOFFMANN)

[Comm. 684:](#) HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) LEGISLATIVE PRIORITIES FOR HAWAI'I COUNTY

From Council Member Bob Jacobson, dated September 20, 2007, transmitting suggested legislation for inclusion in the HSAC legislative priorities packet, relating to: product labeling, agricultural products, invasive species, public safety, and providing low interest loans to counties for capital improvement projects.

FILED COMMUNICATION (TO TRANSMIT LEGISLATIVE PRIORITY PACKET RECOMMENDATIONS TO HSAC)

ORDER OF RESOLUTIONS

[Res. 316-07:](#) Urges the State Legislature and the Governor to Allow Voters Statewide the Opportunity to Decide on the Formation of Locally-Elected Boards of Education. {Requests to place the question of locally-elected boards of education to govern over their respective counties or districts (within each of the counties) before the voters of the State of Hawai'i.}; and PWIRC-34.

ADOPTED:

AYES: Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Higa – 1.

EXCUSED: None.

[Res. 329-07:](#)

Requests the Director of the Department of Public Works to Consistently Enforce the Regulations Within Chapter 3, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Signs. {The Hawai'i County Council recognizes and supports the ongoing efforts of the Public Works Department and would strongly consider the appropriation of additional funding to carry out a more aggressive campaign to enforce these regulations.}; and PWIRC-36.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: Council Member Yagong – 1.

ABSENT: None.

EXCUSED: None.

[Res. 330-07:](#)

Authorizes the Receipt and Expenditure of the Hilo Salvation Army Award of \$67,325 for the Pāhoa Weed & Seed Program. {Funds would be used by the Police Department for overtime, travel to informational conferences, and to purchase equipment to assist with the objectives of this program.}; and FC-175.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 331-07:](#)

Abolishes a Recreation Director II Position and Creates a Clerk III Position Within the Hawai'i County Police Department. {Vacant since May 2006, the Recreation Director position has most of its planning and coordinating duties re-assigned to two Police Officer II positions. The remaining duties will be assigned to the Clerk III position, who will also assist the Community Policing, School Resources, HI-PAL programs and the Traffic Enforcement Unit with various accounting and clerical duties.}; and FC-177.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 332-07:](#)

Requests Mayor Harry Kim to Expand, Clear, Beautify and Improve Gilbert Carvalho Park. {Executive Order 3774 and 3773 sets aside 15.789 acres and 24.947 acres, respectively, which comprises or is adjacent to the existing park. The clearing and beautification of these parcels would allow for the expansion of Gilbert Carvalho Park.}; and PSPRC-8.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 338-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of the Mayor Committee on the Status of Women (Teen Dating Violence Conferences). Contingency Relief funds from District 7 would be used towards costs associated with the October 18 and 19, 2007, Teen Dating Violence Prevention Peer Education Conference.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 340-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$30,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division Equipment, Miscellaneous Equipment (Pana'ewa Multi-purpose Scoreboard). Contingency Relief funds from District 4 would be used towards the purchase of a multi-purpose scoreboard at the Pana'ewa ballfield.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 341-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$7,500 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Aging Area Plan on Aging Other Current Expense (10th Annual Hawai'i State Rural Health Association Conference). Contingency Relief funds from District 4 would be used towards the 10th Annual Hawai'i State Rural Health Association Conference.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 346-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).

{Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of the Prosecuting Attorney, Prosecuting Attorney Other Current Expense, Miscellaneous Contract Service (Kohala Community Athletic Association). Contingency Relief funds from District 9 would be used by the Kohala Community Athletic Association to support their efforts to provide after school sports to over 400 youngsters in North Kohala.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 347-07:](#)

Approves the Administrative Guidelines for Evaluation of Proposed Community Facilities Districts (CFD's) and to Encourage the Department of Finance to Administer the Effective Standards as Established by the Guidelines. {Chapter 32 of the Hawai'i County Code authorizes the County to establish CFD's within the County for the purpose of financing the purchase, construction, installation, expansion, improvement or rehabilitation of special improvements.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Res. 349-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).

{Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Tourism Promotion, Miscellaneous Contract Services (The Great Waiomina Centennial Celebration). Contingency Relief funds from District 9 would be used towards some of the costs and expenses associated with the Paniolo Preservation Society's, "The Great Waiomina Centennial Celebration".}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Res. 350-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$50,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Fire Department Training and Volunteer Fire Other Current Expense (Equipment purchase for Fern Acres Volunteer Fire Department.) Contingency Relief funds from District 6 would be used to support the Fern Acres Community Association Volunteer Fire Department.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

10:00 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

[Bill 96:](#)

Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Single Family Residential – 7,500 Square Feet (RS-7.5) to Neighborhood Commercial – 10,000 Square Feet (CN-10) at Punahoa 2nd, South Hilo, Hawai'i, Covered by Tax Map Key:2-3-035:018 (approx. 9,230 square feet). {Association of Apartment Owners of Punahoe Professional Building, Applicant.}; and PC-30.

FILED DUE TO THE FOLLOWING VOTE:

AYES: None.

NOES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 139](#)

(Draft 2):

Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural – 1 Acre (A-1a) to Multiple Family Residential – 1,500 Square Feet (RM-1.5) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key:2-3-37:15 (approx. 1.278 acres). {Malulani, Inc., Applicant.}; and PC-43.

(Note: The applicant seeks the Council's approval in subsequent Bill 179 which proposes a maximum of ten units, rather than the original 24 units and will now provide two parking spaces per unit.)

FILED DUE TO THE FOLLOWING VOTE:

AYES: None.

NOES: Council Members Ford, Higa, Ikeda, Jacobson, Pilago, Yagong, and Chair Hoffmann – 7.

ABSENT: Council Members Naeole and Yoshimoto – 2.

EXCUSED: None.

[Bill 179:](#) Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural – 1 Acre (A-1a) to Multiple Family Residential – 5,500 Square Feet (RM-5.5) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key:2-3-37:15 (approx. 1.278 acres). {Malulani, Inc., Applicant.}

PASSED 1ST READING:

AYES: Council Members Higa, Ikeda, Pilago, Yagong, and Chair Hoffmann – 5.

NOES: Council Members Ford and Jacobson – 2.

ABSENT: Council Members Naeole and Yoshimoto – 2.

EXCUSED: None.

[Bill 168:](#) Amends Chapter 2, Article 8, of the Hawai'i County Code 1983 (2005 Edition), as Amended, Relating to the Department of Research and Development by Deleting Article 8 and Adding a New Article to Establish a Sustainability Action Committee to Advise the Department of Research and Development. {If approved, this bill would replace an outdated ordinance with a current and relevant vehicle to guide the Department within a framework of sustainability.}; and HSEDC-6.

AMENDED TO DRAFT 2 & PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 170:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Increases revenues in Fund Balance from Prior Year – Designated (\$12,855.24); appropriates to the following: Kohala Ranch Project IV (\$11,110.75), Luala'i at Parker Ranch Phase II (\$1,504.54), and Wainani Estates Subdivision Phase 1 (\$239), for a total of \$12,855.24. Funds would be maintained separately and expended in accordance to the requirements of their respective housing agreements.}; and FC-172;*and* From Finance Committee Chair Dominic Yagong, dated September 21, 2007, transmitting Bill 170, Draft 2. Draft 2 corrects the amount for the Wainani Estates Subdivision Phase 1 from \$239 to \$239.95; *and*

[Bill 170](#)
(Draft 2): Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Increases revenues in Fund Balance from Prior Year – Designated (\$12,855.24); appropriates to the following: Kohala Ranch Project IV (\$11,110.75), Luala'i at Parker Ranch Phase II (\$1,504.54), and Wainani Estates Subdivision Phase 1 (\$239.95), for a total of \$12,855.24.}

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 171:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Coqui Frog Conference Fees (\$30,000); appropriates same to Coqui Frog Conference. Funds would be used for registration fees, facility use, cost of meals, and other expenses of the First International Conference on the Coqui Frog to be held on February 7-9, 2008, in Waikoloa.}; and FC-173.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, and Chair Hoffmann – 7.

NOES: Council Member Yagong – 1.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 172:](#) Amends Chapter 19, Article 7, Section 19-53(a) of the Hawai'i County Code 1983 (2005 Edition, as Amended), Real Property Taxes, Relating to Valuations. {Due to its unique characteristics, provides for special consideration in determining the values of properties in the Waikoloa Workforce Housing Project.}; and FC-174.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 173:](#) Amends Chapter 5 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Indigenous Architecture. {Establishes respect for the principles of indigenous architecture in the Building Code, encourages the preservation of existing structures that exhibit the principles of indigenous architecture, and encourages the development of new structures that incorporate indigenous architecture.}; and PWIRC-35.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 174:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in State Grants – Pāhoa Weed & Seed (\$67,325); appropriates same to Pāhoa Weed & Seed.}; and FC-176.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

Bill 175
(Draft 2):

Initiates a Charter Amendment to Article VI, Chapter 4, of the Hawai'i County Charter (2000), Establishing Windward and Leeward Planning Commissions. {Creates a windward and leeward planning commission based upon judicial districts and district boundaries set forth in Section 4-1(1), Hawai'i Revised Statutes, with the Mayor appointing the remaining members in accordance with Section 13-4, Hawai'i County Charter.}; and PC-47.

POSTPONED TO THE OCTOBER 17, 2007, COUNCIL MEETING

Bill 176:

Amends Chapter 2 of the Hawai'i County Code (2005 Edition, as Amended), Establishing a New Article Relating to a Hawai'i County Cultural Resources Commission. {Provides for the protection and preservation of historic properties and artifacts in the County and establishes the "Hawai'i County Cultural Resources Commission".}; and PC-48.

AMENDED TO DRAFT 2 & PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

12:30 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING) AND REPORTS

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 152:

Amends Chapter 2, Article 25, Section 2-142 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Records, Reporting, and Fiscal Accountability Requirements. {Requires nonprofit organizations to submit written reports to the County Council rather than the Legislative Auditor.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 153:

Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i in a Principal Amount Not to Exceed \$147,000 for the Purpose of Funding a Portion of the Costs of a Water Department Project Referred to as the Andrade Camp Waterline Improvements; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for the Sale Thereof; and Authorizes the Taking of Other Actions Relating to the Issuance and Sale of the Bonds. {Grant amount not to exceed \$510,000 and for a loan amount of \$147,000.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Bill 154:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds PARKS AND RECREATION: Konawaena Swimming Pool Improvements (\$750,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$750,000). Re-appropriates this project's funding into this fiscal year as well as increasing it from \$500,000 to \$750,000 to ensure sufficient appropriation capacity is available to execute the construction contract upon execution of the re-bid and to allow for some contingency in the bid process and during construction to accommodate increases in costs, unforeseen conditions, or take advantage of additional work that may become necessary.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Bill 155:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds PARKS AND RECREATION: NAS Swimming Pool Renovations (\$250,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$250,000). Funds would be used to repair the NAS Swimming Pool facility.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 156:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Komohana Heights Large Capacity Cesspool Replacement – County [\$350,000] \$1,658,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,308,000). Additional funds are needed due to increased design and construction costs and the replacement of the State Revolving Fund funding for this project (with County funds).}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 157:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Kealakehe Wastewater Treatment Plant Sludge Removal – County [\$600,000] \$4,600,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$4,000,000). State Revolving Fund (SRF) funding will not be available for this project (\$600,000 was previously appropriated for the County's share of this project). The additional \$4,000,000 represents the previous SRF portion, bringing the total appropriation to \$4,600,000.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 158:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds ENVIRONMENTAL MANAGEMENT: Kealakehe Wastewater Treatment Plant Aeration Upgrade – County (\$1,950,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,950,000). State Revolving Fund (SRF) funding will not be available for this project and will come from the County instead. Funds would be used to replace existing blowers, expand the Operations Building to house the new blowers, electrical work for the upgraded blowers, replace aeration piping to the existing lagoons, and replace existing air diffusers in the lagoons.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 159:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds ENVIRONMENTAL MANAGEMENT: Kealakehe Wastewater Treatment Plant Master Plan (\$500,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$500,000). Funds would be used for a Master Plan for upgrading of the Kealakehe Wastewater Treatment Plant to ensure that a plan is in place for upgrading of the facility as flows to the facility increase.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Bill 160:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Queen Lili'uokalani Village Large Capacity Cesspool Replacement – County [\$500,000] \$850,000; funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$350,000). Additional funds for the design is needed since realignment of the existing Sewer Collection System is required in order to connect the Queen Lili'uokalani Village subdivision to the Kona Sewer System at Keanalehu Street (due to the difficult topography in the project area).}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Bill 161:](#)

Authorizes the Mayor of the County of Hawai'i to Enter Into an Intergovernmental Agreement for a State Water Pollution Control Revolving Fund Loan for Wastewater Public Improvement Projects; and Authorizes the Issuance of \$24,096,351 General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Qualified Wastewater Public Improvements of the County of Hawai'i. {Funds would be used for the following Department of Environmental Management projects: Honoka'a Large Capacity Cesspool Replacement (\$10,163,172) and Nā'ālehu and Pāhala Large Capacity Cesspool Replacement (\$13,933,179).}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Bill 162:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Honoka'a Large Capacity Cesspool Replacement – State Revolving Fund [\$5,000,000] \$7,000,000; funds shall be provided from State Revolving Funds (\$2,000,000). Additional funds would be used for the anticipated remedial construction work associated with portions of the existing Lehua Trunk sewer.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 163:

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Increases revenues in Transfer from General Fund (\$20,000); appropriates same to Traffic Division Equipment (Two Smart Signs for North Kulani Road in District 3). Funds would be used to install two smart signs in Council District 3 (North Kulani Road in Mountain View).}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 164

(Draft 2):

Amends Ordinance No. 97-56, Which Reclassified Lands from Agricultural – 5 Acre (A-5a) to Single Family Residential – 10,000 Square Feet (RS-10) at Kalaoa 4th, North Kona, Hawai'i, Covered by Tax Map Key:7-3-028:082 – 102 (Formerly 7-3-010:037) (Request: 5-Year Time Extension to Condition D; approx. 10.2830 acres). {RS10 Kalaoa, LLC, Applicant.}

PASSED 2ND & FINAL READING:

AYES: Council Members Higa, Ikeda, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 7.

NOES: Council Members Ford and Jacobson – 2.

ABSENT: None.

EXCUSED: None.

Bill 167:

County Council Initiated: Amends Chapter 25, Zoning Code, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Retail Establishments. {Proposed amendment to Chapter 25 would not permit “superstores” in any zoning district. (“Superstore” means a business exceeding 90,000 gross square feet, offering for sale more than 25,000 different stock keeping units, and dedicating more than 20,000 gross square feet of floor area to the sale of groceries).}

AMENDED TO DRAFT 2 & HELD OVER PURSUANT TO COUNCIL RULE 25(e)

REPORTS

FC-171
(Comm. 640):

Recommends approval of the nomination of Ms. Marilyn Nicholson (Council District 6) to the Board of Ethics.

APPROVED

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following cases, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities, including the current status of the litigation. A 2/3 vote pursuant to HRS Section 92-4 and Rule 11 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, OCTOBER 16, 2007</u>	
COMMITTEES	TBA	SHERATON KEAUHOU BAY RESORT & SPA
	<u>WEDNESDAY, OCTOBER 17, 2007</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA
	<u>TUESDAY, NOVEMBER 6, 2007</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>WEDNESDAY, NOVEMBER 7, 2007</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor

ADJOURNMENT 6:50 p.m.

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

The meeting place is accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by October 1, 2007. Persons using TDDs may call 961-8521.

Copies of an item listed on the agenda 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 333 Kīlauea Avenue, Hilo, Hawai'i 96720; at the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740; and at the Waimea Council Members' Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea, Hawai'i 96743.

Videoconferencing is available at the following locations:

- Kona Council Office at the Kailua Trade Center; and
- Waimea Council Office at the Holomua Center.

If, for technical or other unanticipated reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

- Videoconferencing from the Pāhoa Neighborhood Facility will not be available.

Submitting Testimony: Those persons wishing to testify in person at any of the three sites must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony should bring **seventeen (17)**

copies of the testimony for distribution at the meeting. Those persons unable to testify in person may submit testimony (1) by mail to the County Clerk's Office in Hilo at 25 Aupuni Street, Hilo, Hawai'i 96720, (2) by facsimile to (808) 961-8912, or (3) by e-mail to *counciltestimony@co.hawaii.hi.us*. **Please submit a separate testimony for each item.** For testimonies submitted by e-mail or fax, copies will be made and distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be considered public record.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai'i County Code} A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 333 Kīlauea Avenue, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, October 10, 2007, at 6 p.m.; Sunday, October 14, 2007, at 10:30 a.m.; and Wednesday, October 17, 2007, at 6 p.m.