

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*

24<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Sheraton Keauhou Bay Resort and Spa  
78-128 Ehukai Street  
Kailua-Kona, Hawai'i

Tuesday, November 20, 2007  
8:30 a.m.

INVOCATION Pastor Monty Stewart of Kona Church of the Nazarene

CALL TO ORDER 8:35 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES April 4 and October 3, 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. 589.4:](#)LEGISLATIVE LIAISON TASK FORCE STATUS REPORT

From Council Chair Pete Hoffmann, dated November 8, 2007, requesting that this matter be agendized.

**FILED COMMUNICATION**

**ORDER OF RESOLUTIONS**[Res. 339-07:](#)

Amends Resolution No. 102-07, Draft 2, Adopting Rules of Procedure and Organization of the Council of the County of Hawai'i. {Amends Rule No. 12 (Disclosure of Interest) by adding a new section to further define "financial interest."}; and PWIRC-43.

**FILED DUE TO THE FOLLOWING VOTE:**

**AYES:** Council Members Ford, Jacobson, Pilago, and Chair Hoffmann – 4.

**NOES:** Council Members Higa, Ikeda, Naeole, and Yoshimoto – 4.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 384-07:](#)

Authorizes the Abandonment and Disposition of an Old Government Road Situate at Nanue, District of North Hilo, County and State of Hawai'i. {Contains an area of approx. 8,509 square feet and has a fair market value of \$3,125.}; and PWIRC-40.

**FILED DUE TO THE FOLLOWING VOTE:**

**AYES:** None.

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

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 386-07:](#)

Urges the Department of Hawaiian Home Lands and Other Property Owners Not to Negotiate Any Commercial Leases for Big Box Stores or Other Super Stores in South Hilo Until There is an Alternate Route Between Hilo and Puna. {Urges that commercial leases not be negotiated until an alternate route is constructed and existing traffic congestion is relieved on Highways 130 and 11.}; and PC-53.

**POSTPONED TO THE DECEMBER 5, 2007, COUNCIL MEETING**

[Res. 389-07:](#)

Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease (Three Years and Seven Months) of Warehouse Space in South Hilo. {Funds would be used by the Police and Fire Departments for warehouse storage space containing an area of 15,200 square feet, located at 215-D Railroad Avenue.}; and FC-191.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 390-07:](#)

Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (Five Years) for Two Copiers for the Office of the Prosecuting Attorney. {Upgrading the current copiers to high volume machines for the Hilo and Kona offices to meet the anticipated copy output will be more efficient and cost effective.}; and FC-192.

**AMENDED TO DRAFT 2 & ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 391-07:](#)

Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Transportation, Pursuant to HRS 46-7, for an Aggressive Driving Project Grant for the Hawai'i County Police Department. {Funds would be used for the "Aggressive Driving Project" to reduce the number of fatal crashes on Queen Ka'ahumanu Highway, Hawai'i Belt Road Route 190, and Route 11 in the Kona, South Kohala, and Ka'u Districts and also to increase the amount of aggressive driving citations in these areas.}; and FC-193.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 392-07:](#)

Authorizes the Office of the Mayor to Enter Into an Agreement with the United States of America, Pursuant to HRS 46-7, for the Community Oriented Policing Services (COPS) Methamphetamine Initiative Grant. {Enables the County to use the COPS Meth Initiative Grant funds to implement the programs as described in the Office of the Prosecuting Attorney's executive summary and project description (reference "Exhibit A").}; and FC-195.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 393-07:](#)

Authorizes the Office of the Mayor to Enter Into an Agreement with the Hawai'i State Judiciary, Pursuant to HRS 46-7, for Their Joint Participation in the Community Oriented Policing Services (COPS) Methamphetamine Initiative. {Funds would be used for two additional probation officers for the Big Island Drug Court for East Hawai'i and West Hawai'i who will provide intensive supervision of meth users through their probationary period following "graduation" from Drug Court and provide substance abuse treatment and drug testing for additional clients that will be admitted to the program.}; and FC-196.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 394-07:](#)

Authorizes the Office of the Mayor to Enter Into an Agreement with the Office of the Public Defender, Pursuant to HRS 46-7, for Their Joint Participation in the Community Oriented Policing Services (COPS) Methamphetamine Initiative. {Funds would be used for a paralegal position to assist in identifying potential Big Island Drug Court (BIDC) clients, processing of admission requests, developing administrative and clerical tracking systems of these applicants and participants, and assisting BIDC assigned deputy public defenders with technical and legal issues.}; and FC-197.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 395-07:](#)

Requests the Mayor to Form a Task Force for the Purpose of Creating a Safe Pathway for Pedestrians, Bicyclists and Joggers Traveling Within the Kealakehe School Complex. {Task Force members would be comprised of, but not limited to, authorized representatives of the Public Works Department; Kealakehe Elementary, Intermediate, and High Schools; Kealakehe and Kanihale Community Associations; and People's Advocacy for Trails Hawai'i.}; and PWIRC-42.

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 398-07:](#)

Authorizes the Acquisition of Private Property by Eminent Domain, Being a Portion of Tax Map Key:(3)2-3-043:005, Situate at Kūkūau, District of South Hilo, County and State of Hawai'i, for the Construction of a Sewer System Upgrade. {Acquisition and condemnation of Sewer Line A (2,744 square feet) and Sewer Line B (3,299 square feet) is necessary for the construction, operation, and maintenance of a sewer system upgrade connecting Komohana Heights Subdivision and adjacent properties to the County's sewer system.}; and EMC-9.

**PASSED FIRST OF TWO REQUIRED READINGS:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 411-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$12,809.70 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division Equipment (Waimea Park Basketball Goal System). Contingency Relief funds from District 9 would be used to purchase six new permanently-mounted basketball goal systems replacing the existing systems at Waimea Park.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 413-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$2,429 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division Other Current Expense (Council District 1 Tables/Chairs). Contingency Relief funds from District 1 would be used towards the purchase of tables and chairs for the District of Hāmākua.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 414-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$51,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Fire Department Ocean Safety Other Current Expense (Lifeguard Station – Magic Sands-La‘aloa Beach). Contingency Relief funds from District 7 would be used towards the purchase of a Surveyor Apex Lifeguard Station for Magic Sands-La‘aloa Beach.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 416-07:](#)

Authorizes the Exemption of Certain Zoning Code Requirements for the Waikoloa Employee Housing Project Pursuant to Chapter 46-15 of the Hawai'i Revised Statutes. {Amends Resolution 439-06 (adopted on September 7, 2006) to revise some of the previously approved exemptions and to add some exemptions identified in "Exhibits A, B, and C".}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 417-07:](#)

Requests the Hawai'i State Legislature to Schedule Committee Hearings, Give Floor Consideration and Adopt Into Law the Provisions of House Bill 72 and Senate Bill 661 to Provide Truth-in-Labeling for Kona Coffee. {These bills remain on the legislative docket for consideration at the 2008 legislative session.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 420-07:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$17,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Office of Housing and Community Development Transfer to Housing Fund (Office for Social Ministry-Hawai'i Island Food Basket). Contingency Relief funds from District 8 would be used for supplementing the supply of food to the Hawai'i Island Food Bank.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Res. 422-07:](#)

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 Research and Development Tourism Program (Expand the Waipio Valley Informational and Educational Officer Program; to Develop an Emergency Communication System Between the Valley Floor and the Informational and Educational Officer Kiosk at the Top of the Lookout, and to Purchase Educational Signs and Flyers). Contingency Relief funds from District 1 would be used towards the integration of the Informational and Educational Program at Waipi'o Valley Lookout.}

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

**9:45 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)**

**BILLS FOR ORDINANCES (FIRST READING)**

[Bill 183:](#) Amends the State Land Use Boundaries Maps for the County of Hawai'i by Changing the District Classification from the Agricultural to the Urban District at Puukapu, South Kohala, Hawai'i, Covered by Tax Map Key:6-7-002-020 (approx. 3.068 acres). {North Hawai'i Community Hospital, Applicant.}; and PC-54.

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 184:](#) Amends Section 25-8-11 (Lalamilo-Puukapu Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural 40-Acres (A-40a) and Limited Industrial – 20,000 Square Feet (ML-20) to Village Commercial – 7,500 Square Feet (CV-7.5) at Waikoloa, Waimea, Hawai'i, Covered by Tax Map Key:6-7-002:020 and Portion 051 (approx. 4.084 acres). {North Hawai'i Community Hospital, Applicant.}; and PC-55.

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 189:](#) Amends Chapter 20 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Refuse. {Proposed amendment eliminates whole, cut, sliced, chipped, or shredded tires from the island's landfills.}; and EMC-8.

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

Bill 191:

Amends Ordinance No. 94-98 Which Reclassified Lands from Agricultural – 1 Acre (A-1a) and Open (O) to Single Family Residential – 15,000 Square Feet (RS-15) at Keauhou, Ka'u, Hawai'i, Covered by Tax Map Key:9-9-006:Portion 008 (Request: Amendment to Change of Zone Ordinance No. 94-98, Condition B-Final Subdivision Approval; approx. 16.7813 acres). {Volcano Fairways Development Corporation, Applicant.}; and PC-52.

PASSED 1<sup>ST</sup> READING:

AYES: Council Members Higa, Ikeda, Naeole, Yoshimoto, and Chair Hoffmann – 5.

NOES: Council Members Ford, Jacobson, and Pilago – 3.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

Bill 192:

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 MASS TRANSIT: Bus and Park/Ride – Kona/Puna (\$1,689,800); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,689,800). Funds would be used for the purchase of some buses and to develop park and ride facilities in Kona and Puna.}; and FC-190.

PASSED 1<sup>ST</sup> READING:

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

NOES: None.

ABSENT: Council Members Yagong and Yoshimoto – 2.

EXCUSED: None.

Bill 194:

Amends Chapter 3, Article 1, Division 6, Section 3-22, Hawai'i County Code 1983 (2005 Edition, as Amended) Relating to Variances. {Proposed amendment relates to an applicant's responsibilities when submitting a variance application from this Chapter.}; and PWIRC-41;*and*

AMENDED TO DRAFT 2 & PASSED 1<sup>ST</sup> READING:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

Comm. 762.1:

From Council Member Brenda Ford, dated November 8, 2007, transmitting proposed amendments to Bill 194.

Bill 195:

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 Federal Grants – Aggressive Driving Project (\$33,750); appropriates same to Aggressive Driving Project.}; and FC-194.

PASSED 1<sup>ST</sup> READING:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

Bill 196:

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 Federal Grants - Community Oriented Policing Services (COPS) Methamphetamine Initiative (\$443,405); appropriates same to COPS Methamphetamine Initiative.}; and FC-198.

PASSED 1<sup>ST</sup> READING:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

Bill 202:

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 (\$15,000); appropriates same to North and South Kohala Road – Other Current Expense (Materials for Puakō Access Road Paving). Resolution 361-07 adopted on October 17, 2007, transferred \$15,000 from the Contingency Relief account (from District 9) to the Highway Fund and will be used by the Public Works Department to purchase materials to pave the Puakō Access Road.}

PASSED 1<sup>ST</sup> READING:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

**1:30 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING), REPORTS, AND REFERRALS FOR EXECUTIVE SESSION**

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

[Bill 51](#)  
(Draft 6): Amends Chapter 27, Flood Control, Hawai'i County Code 1983 (2005 Edition), as Amended, Relating to Stormwater Management. {Updates Chapter 27 to conform to Federal Flood Insurance Program standards.}

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 55](#)  
(Draft 3): Provides for the Establishment of the Kailua Village Business Improvement District No. 1. {Provides for and finances supplemental services and improvements in Kailua Village, pursuant to Hawai'i County Code Chapter 35, Article 2, Section 35-11.}

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 79](#)  
(Draft 4): Amends Chapter 25, Zoning Code, Article 4, Division 5, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Off-Street Parking and Loading. {Relates to the required number and distribution of off-street parking and loading spaces for certain permitted uses under the Zoning Code.}

**FILED DUE TO THE FOLLOWING VOTE:**

**AYES:** Council Members Ford, Jacobson, Pilago, and Chair Hoffmann – 4.

**NOES:** Council Members Higa, Naeole, and Yoshimoto – 3.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** Council Member Ikeda – 1.

[Bill 180:](#) 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 (\$40,000); appropriates same to North and South Kohala Road – Other Current Expense (Paving of Waikoloa Emergency Access Road and Pakānu Street). Funds would be used to pave portions of the emergency access road extending from Hulu Street in Waikoloa Village to Queen Ka'ahumanu Highway along the Kohala Coast and to complete the paving of Pākanu Street in Waikoloa.}

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 181:](#)

Amends the State Land Use Boundaries Maps for the County of Hawai'i by Changing the District Classification from the Agricultural to the Urban District at O'oma 1<sup>st</sup>, North Kona, Hawai'i, Covered by Tax Map Key:7-3-010:003 (approx. 10.001 acres). {Seascape Development, LLC, Applicant.}

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 182](#)

(Draft 2):

Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural – 5 Acre (A-5a) to Multiple-Family Residential – 1,000 Square Feet (RM-1) at O'oma 1<sup>st</sup>, North Kona, Hawai'i, Covered by Tax Map Key:7-3-010:003 (approx. 10.001 acres). {Seascape Development, LLC, Applicant.}

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 185:](#)

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: Gilbert Carvalho Park Expansion (\$1,000,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,000,000). Funds would be used for the expansion, clearing, beautification, and improvement of Gilbert Carvalho Park.}

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

[Bill 186:](#)

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 Federal Grants – Buffer Zone Protection Program (\$189,000); appropriates same to Buffer Zone Protection Program.}

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

Bill 187:

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 the following: Federal Grants – State Homeland Security Program (\$663,868), Federal Grants – Law Enforcement Terrorism Prevention Program (\$400,310), and Federal Grants – Citizen Corps Program (\$10,000), for a total of \$1,074,178; appropriates to the following: State Homeland Security Program FY07 (\$663,868), Law Enforcement Terrorism Prevention Program FY07 (\$400,310), and Citizen Corps Program FY07 (\$10,000), for a total of \$1,074,178.}

PASSED 2<sup>ND</sup> & FINAL READING:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

Bill 193:

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 Energy Coordinator (\$1,300); appropriates same to Energy Coordinator. Funds would be used for the following Energy Program initiatives: Regulatory and Legislative Programs, Economic Development Projects, Technology Marketing, and Program Planning and Administration.}

PASSED 2<sup>ND</sup> & FINAL READING:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

Bill 199:

Amends Chapter 25, Zoning Code, Article 4, Division 6, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Nonconforming Uses and Building Provisions for Off-Street Parking and Loading. {Proposal adds an exception to nonconforming uses and building provisions for off-street parking and loading requirements.}

PASSED 2<sup>ND</sup> & FINAL READING:

AYES: Council Members Ford, Higa, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 6.

NOES: Council Member Jacobson – 1.

ABSENT: Council Member Yagong – 1.

EXCUSED: Council Member Ikeda – 1.

**REPORTS**FINANCIAL  
REPORT:

Monthly Budget Status Report from the Finance Department for the Month Ended September 30, 2007.

ACCEPTED

**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.

[Comm. 698.1:](#) MATTHEW MARTIN ET AL. V. REED MAHUNA, ET AL., CIVIL  
NO. CV 06-00640 DAE/KSC  
From Deputy Corporation Counsel Michael J. Udovic, dated November 5, 2007.  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**

**OTHER BUSINESS**

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

**ANNOUNCEMENTS**

	<u>TUESDAY, DECEMBER 4, 2007</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>WEDNESDAY, DECEMBER 5, 2007</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>TUESDAY, DECEMBER 18, 2007</u>	
COMMITTEES	TBA	SHERATON KEAUHOU BAY RESORT & SPA
	<u>WEDNESDAY, DECEMBER 19, 2007</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA

**ADJOURNMENT 4:45 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 **November 16, 2007**. Persons using TDDs may call 961-8521.

Copies of this agenda and items listed on the agenda are available on the County Council-Clerk web page at [http://co.hawaii.hi.us/council/agendas\\_and\\_actions.htm](http://co.hawaii.hi.us/council/agendas_and_actions.htm); the County Clerk's Office, 333 Kīlauea Avenue, Hilo; the Office of the Mayor, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona; the Kona Council Office, Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona; and the Waimea Council Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea. For further information, please call 961-8255.

Videoconferencing is available at the following locations:

- Hilo Council Room at the Ben Franklin Building, Second Floor; 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 wishing to testify in person must register with the County Clerk's staff. Those submitting written testimony at the meeting should bring **seventeen (17)** copies for distribution. Testimony may also be submitted (1) by mail to the County Clerk's Office in Hilo at 25 Aupuni St., Hilo, Hawai'i, 96720; (2) by facsimile to (808) 961-8912; or (3) by e-mail to [counciltestimony@co.hawaii.hi.us](mailto:counciltestimony@co.hawaii.hi.us). **Please submit separate testimony for each item.** For testimony received via e-mail or fax, copies will be distributed at the meeting when transmitted in a timely manner. All oral and written testimony will be made a part of the public record.

Viewing of Meetings on Government Access Television - Channel 52:

Wednesday, November 28, 2007, at 6 p.m.; Sunday, December 2, 2007, at 10:30 a.m.; and Wednesday, December 5, 2007, at 6 p.m.