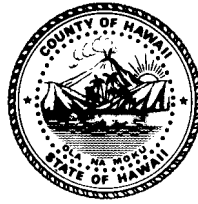


JAMES Y. ARAKAKI
Chairman & Presiding Officer

AL SMITH
Vice Chairman



AARON S.Y. CHUNG
LENINGRAD ELARIONOFF
JULIE JACOBSON
BOBBY JEAN LEITHEAD-TODD
NANCY PISICCHIO
J. CURTIS TYLER, III
DOMINIC YAGONG

COUNTY COUNCIL

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

28th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, January 5, 2000
9:00 a.m.

CALL TO ORDER 9:09 a.m.

ROLL CALL All members present

INVOCATION Pastor Harlen Kalles of the Family Christian Center - present

APPROVAL OF MINUTES November 17, 1999 - approved

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

Ruth Matsuura - Comm. 272.005	Kengo Nagasako - Comm. 272.005
Richard Carter - Comm. 272.005	Gil Kahele - Comm 272.005
Richard Peterson - Comm. 272.005	Beverly Akiona - Comm. 272.005
Jon Olson - Bills 75,76 & 77; Comm. 272.005	Penny Kalii - Comm 272.005
Myron Liao - Comm. 272.005	Dorothy Cross - Comm. 272.005
Bruce McCall - Comm. 272.005	Beatrice Lau - Comm. 272.005
Del Pranke - Invocation, Minutes, FC Rept. 182	Martin Ohan - Bill 50, Dr. 9

PETITIONS, MEMORIALS AND COMMUNICATIONS

Comm. 573: APPOINTMENT - HAWAI'I COUNTY BOARD OF APPEALS
From Mayor Stephen K. Yamashiro, dated December 6, 1999,
submitting the nomination of Gerald K. Yamada to serve a term
ending December 31, 2004.

Waived: PC

Deferred

9 ayes to defer: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd,
Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

Comm. 574: APPOINTMENT - KAILUA VILLAGE DESIGN COMMISSION
From Mayor Stephen K. Yamashiro, dated December 6, 1999,
submitting the nomination of Fanny C. Au Hoy to serve a term ending
December 31, 2002.

Waived: PC

Approved

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd,
Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

Comm. 575: APPOINTMENT - HAWAI'I COUNTY PLANNING COMMISSION
From Mayor Stephen K. Yamashiro, dated December 6, 1999,
submitting the nomination of Earl K. Fujikawa to serve a term ending
December 31, 2004.

Waived: PC

Deferred

9 ayes to defer: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd,
Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

ORDER OF RESOLUTIONS

Res. 175-99: Transfers \$50,000 out and from the Contingency Relief account and
credits same to the Finance Administration & Budget – Other Current
Expense account.
{County's share of the appraisal fee and other incidental costs related
to the land exchange authorized under Res. 113-99, Dr. 3.}

Re: Comm. 541
Intr. by: Mr. Chung
Negative: FC-183

Adopted

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd,
Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

Res. 176-99: Creates a Storekeeper position.
{Hawaii County Fire Department – SR-11 position}

Re: Comm. 542
Intr. by: Mr. Chung
Amended: FC-184

Res. 176-99 adopted

5 ayes: Councilmembers Chung, Jacobson, Leithead-Todd, Smith and Yagong.

4 noes: Councilmembers Elarionoff, Pisicchio, Tyler and Yagong.

Res. 177-99: Authorizes the Office of the Mayor to enter into an agreement with the State Department of Transportation, pursuant to HRS 46-7, for a Big Island Traffic Safety Awareness.
{Hawaii County Police Department – to decrease fatal traffic accidents in the County of Hawaii.}

Re: Comm. 543
Intr. by: Mr. Chung
Approved: FC-186

Adopted

7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and Chairman Arakaki.

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Res. 178-99: Authorizes the acceptance of a donation of a water cooler.
{Dept. of Parks & Recreation - Hoolulu Complex in the Afook-Chinen Civic Auditorium.}

Re: Comm. 555
Intr. by: Mr. Chung
Approved: FC-192

Adopted

7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and Chairman Arakaki.

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Res. 179-99: Authorizes the acceptance of a donation of fencing materials.
{Dept. of Parks & Recreation - between County soccer field and the
Central Pacific Bank building. }

Re: Comm. 556
Intr. by: Mr. Chung
Approved: FC-193

Adopted

**7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and
Chairman Arakaki.**

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Res. 180-99: Relates to the designation of Enterprise Zones on the Big Island of
Hawai'i.
{North Kohala - enterprise zone designation. }

Re: Comm. 557
Intr. by: Mr. Elarionoff
Approved: PC-71 - amended

Res. 180-99 adopted

**7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and
Chairman Arakaki.**

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Res. 181-99: Urges Liberty Newspapers to continue publication of the Honolulu
Star-Bulletin and to actively seek a buyer to preserve two independent
daily newspapers in the community.
{Cease efforts to terminate the current joint operating agreement with
the Honolulu Advertiser. }

Re: Comm. 560
Intr. by: Ms. Leithead-Todd
Approved: HSEDC-4

Adopted

**7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and
Chairman Arakaki.**

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Res. 183-99: Names streets in the County of Hawai'i, State of Hawai'i;
(Draft 2) {Lalamilo Farm Lots Subdivision, Lalamilo, South Kohala –
Lalamilo Farm Road, Kamela Road and Pu'u Huluhulu Road.}

Re: Comm. 563.01
Intr. by: Ms. Leithead-Todd
Approved: PC-72

and

Comm. 563.002: From Planning Committee Chair Bobby Jean Leithead-Todd, dated
December 27, 1999, transmitting a proposed Resolution 183-99,
Draft 3;

and

Res. 183-99: Names streets in the County of Hawai'i, State of Hawai'i.
(Draft 3) {Lalamilo Farm Lots Subdivision, Lalamilo, South Kohala -
Lalamilo Farm Road, Kamela Road, Pu'u Huluhulu Road.}

Amended to Dr. 4

Adopted

7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and
Chairman Arakaki.

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Res. 184-99: Requests the Legislature to fund maritime infrastructure projects to
support the development of the cruise ship industry in Hawaii.
{Measures to include investments in passenger cruise facilities and
infrastructure improvements in Hawaii County, as well as financing
measures thereof.}

Re: Comm. 567
Intr. by: Messrs. Tyler and Chung
Approved: HSEDC-5

Adopted

7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and
Chairman Arakaki.

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Res. 190-2K: Authorizes the payment of funds of a later fiscal year and of more than
one fiscal year for Ka'u Learning Center to continue the Community-
based delinquency prevention grant program in Ka'u.
{“Kokua Ka'u Project” through Ka'u Learning Center.}

Re: Comm. 582
Intr. by: Ms. Jacobson
Waived: FC

Adopted

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd,
Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

BILLS FOR ORDINANCES

(Note: The following Bill 75 and all subsequent drafts are replaced by Bill 130, currently pending in the Planning Committee.)

Bill 75: 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) to Residential and Agricultural (RA-1a) at Puua, Puna, Hawai'i, covered by Tax Map Key: 1-4-47:87. {Nanawale Estates Co., applicant}

Re: Comm. 276
 Intr. by: Ms. Leithead-Todd (B/R)
 Filed: PC-73

Close file

Vote to file: 7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and Chairman Arakaki.
 2 absent/excused: Councilmembers Jacobson and Pisicchio.

(Note: The following Bill 76 and all subsequent drafts are replaced by Bill 131, currently pending in the Planning Committee.)

Bill 76: 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) to Residential and Agricultural (RA-1a) and Agricultural (A-5a) at Puua, Puna, Hawai'i, covered by Tax Map Key 1-4-59:77; {Nanawale Estates Co., applicant}

Re: Comm. 277
 Intr. by: Ms. Leithead-Todd (B/R)
 Filed: PC-74

Close file

Vote to file: 7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and Chairman Arakaki.
 2 absent/excused: Councilmembers Jacobson and Pisicchio.

(Note: The following Bill 77 is replaced by Bill 132, currently pending in the Planning Committee.)

Bill 77: 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) to Family Agricultural (FA-1a) at Puua, Puna, Hawai'i, covered by Tax Map Key 1-4-76:38. {Nanawale Estates Co., applicant}

Re: Comm. 278
 Intr. by: Ms. Leithead-Todd (B/R)
 Filed: PC-75

Close file

Vote to file: 7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and Chairman Arakaki.
 2 absent/excused: Councilmembers Jacobson and Pisicchio.

Bill 162: Amends Chapter 24, of the Hawaii County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Pualani Street – convert to through street. }

Re: Comm. 539

Intr. by: Mr. Yagong

Approved: PWPC-58

Deferred

Vote to defer: 7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and Chairman Arakaki.

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Bill 170: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawaii for the Fiscal Year ending June 30, 2000.
{Appropriates revenues in the Federal Grant – Big Island Traffic Safety Awareness Program account by \$31,400; appropriates same to the Big Island Traffic Safety Awareness Program account. }

Re: Comm. 543

Intr. by: Mr. Chung

Approved: FC-185

Passed on 1st reading

7 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith, Tyler, Yagong and Chairman Arakaki.

2 absent/excused: Councilmembers Jacobson and Pisicchio.

Bill 172: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2000;
{Increases revenues in the Fund Balance from Previous Year account, Solid Waste Fund, by \$1,472,000; and appropriates same to the following Solid Waste Fund accounts: Solid Waste - Salaries & Wages (\$232,000), Solid Waste - Other Current Expenses (\$450,000), Solid Waste - Equipment (\$500,000), Puuanahulu Landfill - Salaries & Wages (\$40,000) and Puuanahulu Landfill - Other Current Expenses (\$250,000). }

Re: Comm. 550

Intr. by: Mr. Chung

Approved: FC-187

and

Comm. 550.001: From Deputy Chief Engineer Jiro Sumada, dated December 27, 1999.

Amended to Dr. 2.

Passed 1st reading

6 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Smith and Chairman Arakaki.

3 noes: Councilmembers Pisicchio, Tyler and Yagong.

Bill 173: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2000.
{Increases revenues in the Fund Balance from Previous Year account, Sewer Fund, by \$1,260,828; appropriates same to the following Sewer Fund accounts: Wastewater - Salaries & Wages (\$54,597), Wastewater - Other Current Expenses (\$150,000), Wastewater - Equipment (\$210,000) and Replacement Reserve Account (\$846,231).}

Re: Comm. 551

Intr. by: Mr. Chung

Approved: FC-188

Deferred

Vote to defer: 9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Smith, Tyler, Yagong and Chairman Arakaki.

Bill 174: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2000.
{Increases revenues in the Fund Balance from Previous Year account, Vehicle Disposal Fund, by \$226,000; appropriates same to the Vehicle Disposal - Other Current Expenses account (\$226,000).}

Re: Comm. 552

Intr. by: Mr. Chung

Approved: FC-189

Deferred

Vote to defer: 9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Smith, Tyler, Yagong and Chairman Arakaki.

Bill 175: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2000.
{Appropriates revenues in the State Grants - Area Plan on Aging account by \$20,363; appropriates same to the Area Plan on Aging account.}

Re: Comm. 553

Intr. by: Mr. Chung

Approved: FC-190

Passed 1st reading

9 ayes: 9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Smith, Tyler, Yagong and Chairman Arakaki.

Bill 176: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2000. {Increases revenues in the Contribution from Private Source account by \$20,000; appropriates same to the Home Delivered Meals - Private account. }

Re: Comm. 554

Intr. by: Mr. Chung

Approved: FC-191

Passed 1st reading

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

Bill 178: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code, by changing the district classification from Resort (V), Multiple Family Residential (RM-3 and RM-10), Village Commercial (CV-10) and Open (O) to Project District at Kaupulehu, North Kona, Hawaii, covered by Tax Map Key 7-2-10:1, Portion of 2, 8, 9; 7-2-12:2. {Kaupulehu Makai Venture, applicant }

Re: Comm. 565

Intr. by: Ms. Leithead-Todd

Approved: PC-76

Passed 1st reading

8 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong, and Chairman Arakaki.

1 no: Councilmember Jacobson.

Bill 179: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code, by changing the district classification from Open to Project District at Kukio 2nd and Maniniowali, Hawaii, covered by Tax Map Key 7-2-4:18. {Maniniowali Equity Co., LLC, applicant }

Re: Comm. 566.01

Intr. by: Ms. Leithead-Todd

Approved: PC-77

Amended to Dr. 4

Passed 1st reading

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

Bill 183: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2000.
{Increases revenues in the Federal Grants - Kokua Ka'u Juvenile Delinquency Prevention account by \$10,000; appropriates same to the Kokua Ka'u Juvenile Delinquency Prevention account.}

Re: Comm. 582
Intr. by: Ms. Jacobson
Waived: FC

Passed 1st reading
9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

ORDER OF THE DAY

Bill 50: Amends Ordinance 91-21, which reclassified the district classification of land from Unplanned (U) to Single Family Residential (RS-7.5) at Puapuaa 1st and 2nd, North Kona, Hawai'i, covered by
(Draft 9) TMK:7-5-20:1 (formerly portion of 1).
{SCD Kahakai, LLC, applicant}

Re: Comm. 187.035
Intr. by: Ms. Leithead-Todd
1st Reading: June 8, 1999
Deferred: June 23, 1999 & July 8, 1999
Amended & Held Over:
December 1 & 15, 1999
Public Hearings:

Amended to Dr. 10
Passed 2nd & final reading
5 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Smith and Chairman Arakaki.
4 noes: Councilmembers Jacobson, Pisicchio, Tyler and Yagong.

REPORTS

FINANCIAL Monthly Financial Status Report for the month ended
REPORT: November 30, 1999.

Approved
9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

PWPC Rept. 59: Recommends the variance requested by Graphic House on behalf of the Lili'uokalani Trust be approved;
(C-536)

and

Comm. 536.001: From Momi Cazimero, Graphic House, Inc., dated December 23, 1999.

Adopt PWPC-59:

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

FC Rept. 182: Recommends the confirmation of Mr. Dwight Manago to the Hawai'i County Police Commission to serve a term to end December 31, 2004.
(C-559)

Adopt FC-182

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

PC Rept. 70: Recommends the approval of the appointment of Mr. Evarts C. Fox to the Hawai'i County Board of Appeals.
(C-562)

Adopt PC 70

9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

REFERRALS FOR EXECUTIVE SESSION

Comm. 272.005: EXECUTIVE SESSION - WILLIAM SILVA ET AL., V. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 97-622 (HILO)

From Assistant Corporation Counsel Ted H.S. Hong, dated December 8, 1999;

Concur w/the recommendation of Corporation Counsel on Comm. 272.005

8 ayes: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki

1 no: Councilmember Jacobson.

and

Comm. 272.006: From Assistant Corporation Counsel Ted H.S. Hong, dated December 13, 1999;

and

Comm. 272.007: From Michael L. Dubberstein, dated December 27, 1999.

Comm. 588: EXECUTIVE SESSION - PAUL ABILEY VS. CRISTETA LUIS, ET AL., CIVIL NO. 99-186

From Deputy Corporation Counsel Joseph K. Kamelamela, dated December 14, 1999.

Deferred

Vote to defer: 9 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki.

(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: Hilo (Channel 9); Kona (Channel 12)
Wednesday, January 5, 2000 at 6 p.m.; Sunday, January 9, 2000 at 9 a.m.; and
Wednesday, January 12, 2000 at 6 p.m.