

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*

### 29th Session

## ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Thursday, January 20, 2000  
9:00 a.m.

CALL TO ORDER  
9:08 a.m.

ROLL CALL  
All, except AC, arrived 10:08 a.m.; JJ, arrived 9:09 a.m.

INVOCATION  
OK Reverend Daien Soga of the Puna Hongwanji Mission

APPROVAL OF MINUTES December 1 and 15, 1999  
Approved, w/corrections to 12/1/1999 Mtg.

STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON THE ORDER OF BUSINESS  
Carol Severance - Supports Bill 182  
Cora Mae Jensen - Supports Bill 182  
Del Pranke - Statements regarding Comm. 573, Comm. 575, Invocation and Minutes

## 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: January 5, 2000

APPROVED Comm. 573.

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

Absent & Excused: Councilmember Chung - 1.

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: January 5, 2000

APPROVED Comm. 575.

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

## ORDER OF RESOLUTIONS

Res. 185-99: Authorizes the abandonment and disposition of a portion of the Old  
Government Road situate at Makapala, North Kohala, Hawai'i;

Re: Comm. 569  
Intr. by: Mr. Yagong  
Approved: PWPC-60

and

Comm. 569.001: From Executive Assistant Glenn Y. Taguchi, dated January 5, 2000.  
ADOPTS Res. 185-99 & PWPC-60; CLOSE FILE on Comm. 569.001

Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and  
Chairman Arakaki - 8.

Absent & Excused - Councilmember Leithead-Todd - 1.

Res. 188-99: Authorizes the grant of easement for waterline easement at Paauilo,  
District of Hamakua, Island, County and State of Hawai'i, Tax Map

Key No. (3)4-3-18:54, to the Water Commission of the County of Hawai'i.

Re: Comm. 579  
Intr. by: Mr. Chung  
Approved: PWPC-61

ADOPTS Res. 188-99 & PWPC-61.

Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.

Absent & Excused: Councilmember Leithead-Todd - 1.

Res. 189-99: Names streets in the County of Hawai'i, State of Hawai'i.  
(Draft 3) (Kiolaka'a-Kea' Homesteads Subdivision, Ka'u - Kiolaka'a Road }

Re: Comm. 581.002  
Intr. by: Ms. Leithead-Todd  
Approved: PC-78

ADOPTS Res. 189-99, Dr. 3 & PC-78.

Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.

Absent & Excused: Councilmember Leithead-Todd - 1.

Res. 192-2K: Names streets in the County of Hawai'i, State of Hawai'i.  
(Draft 2) {Ouli Mutual Self Help Subdivision, South Kohala - Haleola Place and Haleola Street. }

Re: Comm. 597.001  
Intr. by: Ms. Leithead-Todd  
Approved: PC-79

ADOPTS Res. 192-2K, Dr. 2 & PC-79.

Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.

Absent & Excused: Councilmember Leithead-Todd - 1.

Res. 193-2K: Names streets in the County of Hawai'i, State of Hawai'i.  
(Draft 2) {Francolin Place Subdivision, South Kohala - Manu'aihue Place. }

Re: Comm. 598.001  
Intr. by: Ms. Leithead-Todd  
Approved: PC-80

ADOPTS Res. 193-2K, Dr. 2 & PC-80.

Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.

Absent & Excused: Councilmember Leithead-Todd - 1.

Res. 194-2K: Names streets in the County of Hawai'i, State of Hawai'i.  
(Draft 2) {Kalani Estates Subdivision, South Kohala - Makana Aloha Place.}

Re: Comm. 599.001  
Intr. by: Ms. Leithead-Todd  
Approved: PC-81

**ADOPTS Res. 194-2K, Dr. 2 & PC-81.**

**Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

Res. 195-2K: Names streets in the County of Hawai'i, State of Hawai'i.  
(Draft 2) {Kamaaina Eight Subdivision, North Kona - Huliko'a Drive.}

Re: Comm. 600.001  
Intr. by: Ms. Leithead-Todd  
Approved: PC-82

**ADOPTS Res. 195-2K, Dr. 2 & PC-82.**

**Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

Res. 200-2K: Authorizes the County of Hawai'i to enter into an agreement with the State of Hawai'i, pursuant to HRS 46-7, for a Victim Witness Assistance Program grant.  
{Negotiated Agreement for Grant Contract Number 99-VW-4 with the State Department of the Attorney General.}

Re: Comm. 613  
Intr. by: Mr. Chung  
Waived: FC

**ADOPTS Res. 200-2K.**

**Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

**BILLS FOR ORDINANCES**

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: January 5, 2000

**FILED Bill 162 & PWPC-58.**

The following vote reflects the motion to file Bill 162:

**Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Tyler, Yagong and Chairman Arakaki - 7.**

**Absent & Excused: Councilmembers Leithead-Todd and Smith - 2.**

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: January 5, 2000

**DEFERRED Bill 173 & FC-188 to next Council meeting.**

The following vote reflects the motion to defer Bill 173 & FC-188 to the next Council meeting:

**Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler and Chairman Arakaki - 7.**

**Absent & Excused: Councilmembers Leithead-Todd and Yagong - 2.**

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: January 5, 2000

**PASSES Bill 174 on 1st rdg; adopts FC-189.**

**Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

Bill 182: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition),  
(Draft 2) relating to Vehicles and Traffic.  
{Kahoa Street, South Hilo, fronting Honolii Beach - proposed parking prohibition during certain hours.}

Re: Comm. 578.001  
Intr. by: Mr. Yagong  
Approved: PWPC-62

AMENDS Bill 182, Dr. 2 to Bill 182, Dr. 3; adopts PWPC-62.

PASSES Bill 182, Dr. 3 on 1st rdg.

Ayes: Councilmembers Chung, Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and  
Chairman Arakaki - 8.

Absent & Excused: Councilmember Leithead-Todd - 1.

Bill 187: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition),  
relating to Vehicles and Traffic.  
{Parking in loading and unloading zones.}

Re: Comm. 592  
Intr. by: Mr. Yagong  
Approved: PWPC-63

PASSES Bill 187 on 1st rdg; adopts PWPC-63.

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

Bill 188: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition),  
(Draft 2) relating to Vehicles and Traffic.  
{Kilauea Avenue, South Hilo, at Waiakeawaena School - adjust parking restrictions and passenger loading zones.}

Re: Comm. 593.001  
Intr. by: Mr. Yagong  
Approved: PWPC-64

PASSES Bill 188, Dr. 2 on 1st rdg; adopts PWPC-64.

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

Bill 189: Amends the State Land Use Boundaries Map, H-25 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 6-2-11:11.  
{Michael C. and Betty Jo Williams, applicant}

Re: Comm. 596  
Intr. by: Ms. Leithead-Todd  
Approved: PC-83

**PASSES Bill 189 on 1st rdg; adopts PC-83.**

**Ayes: Councilmembers Chung, Elarionoff, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 7.**

**Noes: Councilmember Jacobson - 1.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

Bill 190: Amends Section 25-8-7 (North and South Kohala District Zone Map),  
(Draft 2) 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 Ouli, South Kohala, Hawai'i,  
covered by Tax Map Key 6-2-11:11.  
{Michael C. and Betty Jo Williams, applicant}

Re: Comm. 596.001  
Intr. by: Ms. Leithead-Todd  
Approved: PC-84

**PASSES Bill 190, Dr. 2 on 1st rdg; adopts PC-84.**

**Ayes: Councilmembers Chung, Elarionoff, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 7.**

**Noes: Councilmember Jacobson - 1.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

Bill 191: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition),  
creating one-way traffic pattern on Kapiolani Street on specified  
holidays being Christmas Eve, Christmas Day, Good Friday, Holy  
Saturday and Easter Sunday, relating to Vehicles and Traffic.

Re: Comm. 602  
Intr. by: Mr. Yagong  
Approved: PWPC-65

**DEFERRED Bill 191 & PWPC-65.**

**The following vote reflects the motion to defer Bill 191 & PWPC-65:**

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

**ORDER OF THE DAY**

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  
 1st Reading: January 5, 2000

**PASSES Bill 170 on 2nd & final rdg.**

**Ayes: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 8.**

**Absent & Excused: Councilmember Chung - 1.**

Bill 172:  
(Draft 2)  
 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 \$1,122,000; and appropriates to the following Solid Waste- accounts: Salaries & Wages (\$232,000), Other Current Expenses (\$100,000), Equipment (\$500,000); and to the following Puuanahulu Landfill accounts: Salaries & Wages (\$40,000) and Other Current Expenses (\$250,000).}

Re: Comm. 550.002  
 Intr. by: Mr. Chung (B/R)  
 1st Reading: January 5, 2000

**PASSES Bill 172, Dr. 2 on 2nd & final rdg.**

**Ayes: Councilmembers Chung, Elarionoff, Jacobson, Smith, Yagong and Chairman Arakaki - 6.**

**Noes: Councilmembers Pisicchio and Tyler - 2.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

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  
 1st Reading: January 5, 2000

**PASSES Bill 175 on 2nd & final rdg.**

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

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  
1st Reading: January 5, 2000

**PASSES Bill 176 on 2nd & final rdg.**

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

**Noes: Councilmember Jacobson - 1.**

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  
1st Reading: January 5, 2000

**PASSES Bill 178 on 2nd & final rdg.**

**Ayes: Councilmembers Chung, Elarionoff, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 7.**

**Noes: Councilmember Jacobson - 1.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

Bill 179:  
(Draft 4) 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 Open to Project District at Kukio 2nd and Maniniowali, Hawai'i, covered by Tax Map Key 7-2-4:18. (Manini'owali Equity Co., LLC, applicant)

Re: Comm. 566.003  
Intr. by: Ms. Leithead-Todd  
1st Reading: January 5, 2000

**PASSES Bill 179, Dr. 4 on 2nd & final rdg.**

**Ayes: Councilmembers Chung, Elarionoff, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 7.**

**Noes: Councilmember Jacobson - 1.**

**Absent & Excused: Councilmember Leithead-Todd - 1.**

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  
1st Reading: January 5, 2000

PASSES Bill 183 on 2nd & final rdg.

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

## REPORTS

## REFERRALS FOR EXECUTIVE SESSION

Comm. 549.001: EXECUTIVE SESSION - PERREIRA, FERGERSTROM, TAVARES, ROWE & PAIVA V. COUNTY OF HAWAI'I, ET AL. CIVIL NOS. 98-83 THROUGH 98-87 (CONSOLIDATED)  
From Deputy Corporation Counsel Steven Christensen, dated January 6, 2000.

CONCURRED with the recommendation of Corporation Counsel in this matter.

Ayes: Councilmembers Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 7.

Absent & Excused: Councilmember Chung and Leithead-Todd - 2.

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: January 5, 2000

CONCURRED with the recommendation of Corporation Counsel in this matter.

Ayes: Councilmembers Elarionoff, Jacobson, Pisicchio, Smith, Tyler, Yagong and Chairman Arakaki - 7.

Absent & Excused: Councilmember Chung and Leithead-Todd - 2.

## OTHER BUSINESS

## ANNOUNCEMENTS

TUESDAY, FEBRUARY 1, 2000

PUBLIC WORKS & PARKS COMMITTEE	9:00 a.m.	COUNCILROOM
FINANCE COMMITTEE	10:30 a.m.	COUNCILROOM
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE	1:00 p.m.	COUNCILROOM
PLANNING COMMITTEE	2:00 p.m.	COUNCILROOM

WEDNESDAY, FEBRUARY 2, 2000

COUNCIL	9:00 a.m.	COUNCILROOM
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THURSDAY, FEBRUARY 10, 2000

PLANNING COMMITTEE	9:00 a.m.	COUNCILROOM
WORKSHOP (BILL 276 - SUBDIVISION CODE)		

TUESDAY, FEBRUARY 15, 2000

COMMITTEES	TBA	COUNCILROOM
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WEDNESDAY, FEBRUARY 16, 2000

COUNCIL	9:00 a.m.	COUNCILROOM
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## STATEMENTS FROM THE PUBLIC

## ADJOURNMENT

5:18 p.m.

(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)  
Sunday, January 23, 2000 at 9 a.m.; and Wednesday, January 26, 2000 at 6 p.m.