

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*

30th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, February 2, 2000
9:00 a.m.

CALL TO ORDER
9:11 a.m.

ROLL CALL
All Members Present

INVOCATION
OK Reverend Duane Slo cum of the Paradise Park Church of the Nazarene

APPROVAL OF MINUTES
None

STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON THE ORDER OF BUSINESS
Del Franke - Comm. 272.06 & Comm. 625
Coco Pierson - Comm. 625

PETITIONS, MEMORIALS AND COMMUNICATIONS

None

ORDER OF RESOLUTIONS

Res. 191-2K: Authorizes the Office of the Mayor to enter into an agreement with the State Department of Education, pursuant to HRS 46-7, for a Hawai'i DARE/DOE grant.

Re: Comm. 591
Intr. by: Mr. Chung
Approved: FC-198

ADOPTS Res. 191-2K & FC-198

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

Res. 196-2K: Authorizes the acceptance of a donation of two (2) Omnichrome Light Sources and one (1) Colposcope.

Re: Comm. 603
Intr. by: Mr. Chung
Approved: FC-199

ADOPTS Res. 196-2K & FC-199

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

Res. 197-2K: Authorizes the Office of the Mayor to enter into an agreement with the State Department of the Attorney General Crime Prevention and Justice Assistance Division, pursuant to HRS 46-7, for a Domestic Violence Unit.

Re: Comm. 604
Intr. by: Mr. Chung
Approved: FC-201

ADOPTS Res. 197-2K & FC-201

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

Res. 198-2K: Authorizes the Office of the Mayor to enter into an agreement with the State Department of the Attorney General Crime Prevention and Justice Assistance Division, pursuant to HRS 46-7, for a Service of Protection Orders grant.

Re: Comm. 605
Intr. by: Mr. Chung
Approved: FC-203

ADOPTS Res. 198-2K & FC-203

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

Res. 199-2K: Authorizes the acceptance of a monetary donation, from John W. Roy. {Hawai'i Police Department - Hipal program (\$1,000)}

Re: Comm. 608
Intr. by: Mr. Chung
Approved: FC-206

ADOPTS Res. 199-2K & FC-206

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

Res. 201-2K: Authorizes the Office of the Mayor to enter into an agreement with the University of Hawai'i at Manoa, pursuant to HRS 46-7, for Alcohol Prevention. {Decrease alcohol consumption by teens in the County of Hawai'i.}

Re: Comm. 617
Intr. by: Mr. Chung
Approved: FC-208

ADOPTS Res. 201-2K & FC-208

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

Res. 203-2K: Authorizes the Department of Parks and Recreation, County of Hawai'i, to enter into an agreement with the Department of Transportation, State of Hawai'i, for Bicycle Safety Education Services.

Re: Comm. 626
Intr. by: Mr. Chung
Waived: FC

ADOPTS Res. 203-2K

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

BILLS FOR ORDINANCES

Bill 171: Amends Chapter 15, Parks and Recreation, of the Hawai'i County Code 1983 (1995 Edition) by establishing a schedule of official names of County of Hawai'i parks and recreational facilities.
(Draft 2)

Re: Comm. 544.01
Intr. by: Ms. Leithead-Todd and Mr. Smith
Approved: PWPC-66

PASSES Bill 171, Draft 2 on first reading & adopts PWPC-66

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

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 & 20, 2000

{Note: The current motion is to pass Bill 173 on first reading and to adopt Finance Committee Report 188. There is a pending amendment (duly seconded) which deletes the following Wastewater - accounts: Other Current Expenses (\$150,000), Equipment (\$210,000) and Replacement Reserve Account (\$846,231).}

PASSES Bill 173 on first reading & adopts FC-188

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

Bill 180: Amends Ordinance 99-71, as amended, relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 1999 to June 30, 2000.
 {Increases the Police Department - Public Safety Complex, Cellblock Expansion account to \$2,152,000; funds shall be provided from the General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources (\$800,000).}

Re: Comm. 570
 Intr. by: Mr. Chung
 Approved: FC-194

ADOPTS Bill 180 on first reading & adopts FC-194

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

Noes: Councilmembers Jacobson and Tyler - 2.

Absent & Excused: Councilmember Leithead-Todd - 1.

Bill 181: Authorizes the issuance of not to exceed \$1,800,000 principal amount of general obligation bonds of the County of Hawai'i for the purpose of financing a portion of the costs of constructing the East Hawai'i Police Detention Facility and to secure the payment of a loan by the United States of America, Department of Agriculture; and fixing the form, denominations, and certain details of such bonds and providing for their sale.

Re: Comm. 576
Intr. by: Mr. Chung
Approved: FC-195

PASSES Bill 181 on first reading & adopts FC-195

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

Noes: Councilmembers Jacobson and Tyler - 2.

Absent & Excused: Councilmember Leithead-Todd - 1.

Bill 185: Amends Ordinance 99-71, as amended, relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 1999 to June 30, 2000.
{ Adds the PUBLIC WORKS Upper Waiakea Stream Flood Control Improvements project by \$900,000; funds shall be provided from the General Obligation Bonds, Capital Project Fund, Fund Balance and/or Other Sources account (\$900,000). }

Re: Comm. 587
Intr. by: Mr. Arakaki
Approved: FC-196

PASSES Bill 185 on first reading & adopts FC-196

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

Noes: Councilmember Jacobson - 1.

Absent & Excused: Councilmember Leithead-Todd - 1.

Bill 186: 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 State Grants - DARE/DOE account by \$8,365; and appropriates same to the DARE/DOE account.}

Re: Comm. 591
Intr. by: Mr. Chung
Approved: FC-197

PASSES Bill 186 on first reading & adopts FC-197

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: January 20, 2000

AMENDS Bill 191 to Bill 191, Draft 2 and adopts PWPC-65; PASSES Bill 191, Draft 2, on first reading.

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

NoesAbsent & Excused: Councilmember Leithead-Todd - 1.

Bill 192: 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 Federal Grant - Domestic Violence Unit account by \$59,626; and appropriates same to the Domestic Violence Unit account.}

Re: Comm. 604
Intr. by: Mr. Chung
Approved: FC-200

PASSES Bill 192 on first reading and adopts FC-200

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

NoesAbsent & Excused: Councilmember Leithead-Todd - 1.

Bill 193: 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 Federal Grant - Service of Protection Orders account by \$48,720; and appropriates same to the Service of Protection Orders account. }

Re: Comm. 605
 Intr. by: Mr. Chung
 Approved: FC-202

PASSES Bill 193 on first reading and adopts FC-202

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

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

Bill 194: 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 Grant - Alcohol Prevention account by \$4,980; and appropriates same to the Alcohol Prevention account. }

Re: Comm. 617
 Intr. by: Mr. Chung
 Approved: FC-207

AMENDS Bill 194 to Bill 194, Draft 2; adopts FC-207; PASSES Bill 194, Draft 2 on first reading.

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

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

Bill 197: Amends Ordinance 99-70, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 03, 2000. {Increases revenues in the Federal Grants - Bicycle Education Program account by \$17,000; and appropriates same to the Bike Education Program account. }

Re: Comm. 626
 Intr. by: Mr. Chung
 Waived: FC

PASSES Bill 197 on first reading.

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

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

ORDER OF THE DAY

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
1st Reading: January 20, 2000

PASSES Bill 174 on second and final reading

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

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

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

(Draft 3)

Re: Comm. 578.001
Intr. by: Mr. Yagong
1st Reading: January 20, 2000

PASSES Bill 182, Draft 3 on second and final reading.

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

Noes 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
1st Reading: January 20, 2000

PASSES Bill 187 on second and final reading.

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

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

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
1st Reading: January 20, 2000

PASSES Bill 188, Draft 2 on second and final reading.

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

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

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
1st Reading: January 20, 2000

PASSES Bill 189 on second and final reading.

Ayes: Councilmembers Chung, Elarionoff, Pisicchio, Smith, Tyler and Chairman Arakaki - 6.

Noes: Councilmember Jacobson - 1.

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

Bill 190:
(Draft 2) Amends Section 25-8-7 (North and South Kohala District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at 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
1st Reading: January 20, 2000

PASSES Bill 190, Draft 2 on second and final reading.

Ayes: Councilmembers Chung, Elarionoff, Pisicchio, Smith, Tyler and Chairman Arakaki - 6.

Noes: Councilmember Jacobson - 1.

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

REPORTS

FINANCIAL
REPORT: Monthly Financial Status Report for the month ended
December 31, 1999.

APPROVED Financial Report for the month ended December 31, 1999.

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

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

FC Rept. 204:
(C-612) Recommends the confirmation of Mr. Rodney Watanabe to the Hawai'i County Salary Commission, to serve a term to end December 31, 2002.

APPROVED FC Rept. 204.

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

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

FC Rept. 205:
(C-580) Recommends the acceptance of the post-audit Financial Report of the County of Hawai'i for the Fiscal Year Ended June 30, 1999, and Management Letter dated October 15, 1998, as prepared by KPMG Peat Marwick.

APPROVED FC Rept. 205

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

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

PC Rept. 85: Recommends the approval of the appointment of Mr. Garret Webb to
(C-610) the Kailua Village Design Commission, to serve a term to end
December 31, 2002.

APPROVED PC Rept. 85

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

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

PC Rept. 86: Recommends the approval of the appointment of
(C-611) Mr. James D. Dumaguin to the Kailua Village Design Commission, to
serve a term to end December 31, 2000.

APPROVED PC Rept. 86

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

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

REFERRALS FOR EXECUTIVE SESSION

Comm. 272.006: 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.

CONCURRED with the recommendation of Corporation Counsel in this matter.

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

Noes: Councilmember Jacobson - 1.

Absent & Excused: Councilmember Chung - 1.

Comm. 625: EXECUTIVE SESSION - CHRISTIE/ANDERSON V. COUNTY OF HAWAI'I

From Deputy Corporation Counsel Steven Christensen, dated January 11, 2000.

CONCURRED with the recommendation of Corporation Counsel in this matter.

Ayes: Councilmembers Elarionoff, Leithead-Todd, Smith, Yagong and Chairman Arakaki - 5.

Noes: councilmembers Jacobson, Pisicchio and Tyler - 3.

Absent & Excused: Councilmember Chung - 1.

OTHER BUSINESS

ANNOUNCEMENTS

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
HOUSING AGENCY	3:00 p.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT

1:00 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)
Wednesday, February 2, 2000, at 6 p.m.; Sunday, February 6, 2000, at 9 a.m.; and
Wednesday, February 9, 2000 at 6 p.m.