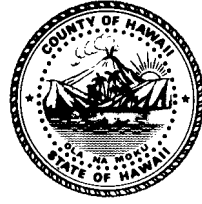


JAMES Y. ARAKAKI  
*Chairman & Presiding Officer*

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*

34th Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

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

CALL TO ORDER

ROLL CALL

INVOCATION                      Phillip Stroud of the Hilo Church of Christ

APPROVAL OF MINUTES

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

PETITIONS, MEMORIALS AND COMMUNICATIONS

Comm. 710: HSAC - APPOINTMENT OF OFFICER/ALTERNATE FOR FISCAL YEAR 2001  
From HSAC Vice President Al Smith, dated March 14, 2000.

ORDER OF RESOLUTIONS

Res. 208-00: Provides for the acquisition of private property, being a portion  
(Draft 2) of Tax Map Keys (3)3-5-003-027 and 3-5-004-008, situate at  
Papaaloa, North Hilo, Hawaii, for a public right-of-way;  
{Road Lot "A" Condemnation - eminent domain in acquiring the  
subject roadway for the purpose of insuring continuing public access  
to the residents of surrounding area. }

Re: Comm. 643.001  
Intr. by: Mr. Yagong  
Approved: PWPC-70

and

Comm. 643.002: From Public Works & Parks Committee Chairman Dominic Yagong,  
dated March 21, 2000, transmitting a proposed Draft 3, to  
Resolution 208-00;

and

Res. 208-00: Provides for the acquisition of private property, being a portion  
(Draft 3) of Tax Map Keys (3)3-5-003-027 and 3-5-004-008, situate at  
Papaaloa, North Hilo, Hawaii, for a public right-of-way;  
{Road Lot "A" Condemnation - eminent domain in acquiring the  
subject roadway for the purpose abandoning a portion of Ochiro Road  
which fell into the gulch, and insuring continuing public access to the  
residents of surrounding area. }

Res. 214-00: Authorizes the grant of easement for waterline and sewer  
(Draft 2) easement at Kapala'ala'ea 2nd (Beach Section), District of North  
Kona, Island, County and State of Hawai'i, Tax Map Key  
No. (3)7-7-10: Vicinity of 6 and 76, to Robert C. Robertson;

Re: Comm. 658.002  
Intr. by: Mr. Yagong  
Approved: PWPC-71

and

Comm. 658.001: From Finance Director Harry A. Takahashi, dated March 9, 2000.

Res. 224-00: Authorizes the acceptance of the Sewage Works constructed by Maryl  
(Draft 2) Group, Inc., and authorizes the reimbursement of the partial cost of the  
Sewage Works;  
{Extension from Waiakea Center through the line extension along  
Makaala Street connecting to the existing County system on Leilani  
Street.}

Re: Comm. 692.002  
Intr. by: Mr. Chung  
Approved: FC-237

and

Comm. 692.001: From Carlsmith Ball, Attorneys At Law, dated March 21, 2000, to  
Department of Hawaiian Homelands Director Raynard Soon.

Res. 228-00: Indemnifies from punitive damages individually named defendants,  
who are, or who have been, employees of the County of Hawai'i, and  
authorizes the Corporation Counsel, and his authorizing  
representatives, to enter into agreements with the individually named  
defendants, to represent them in civil actions entitled Roger Christie v.  
County of Hawai'i, et. al., Civil No. 99-316 and Ernest Aaron  
Anderson v. County of Hawai'i, et al., Civil No. 00-1-0065.

Re: Comm. 701  
Intr. by: Mr. Chung (B/R)  
Waived: FC

Res. 237-00: Creates a one-way traffic pattern on Kapiolani Street on Good Friday,  
Holy Saturday and Easter Sunday.  
{One-way traffic pattern on Kapiolani Street, from Waiianuenue Street  
to Ponahawai Street; Good Friday - April 21, 2000, from 1:00 to  
6:00 p.m; Holy Saturday - April 22, 2000, from 5:00 to 10:00 p.m.;  
and Easter Sunday, April 23, from 6 a.m. to 1:00 p.m.}

Re: Comm. 718  
Intr. by: Mr. Yagong  
Waived: PWPC

Res. 238-00: Designates April as "Ag-Tourism Month".

Re: Comm. 722  
Intr. by: Ms. Pisticchio  
Waived: HSEDC

BILLS FOR ORDINANCES

Bill 83: Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition),  
(Draft 3) relating to deferred or Roll Back Tax on the Owner of Agricultural  
Lands.  
{Exempts deferred or roll back taxes on agricultural dedicated lands  
when the authorized government agency changes the land use  
classification to urban or rural districts or when lots of less than 5  
acres are created and the conditions of dedication are continued or  
have been completed; and ensures that deferred or roll back taxes upon  
breach of dedication would be up to 10 years for a 10-year dedication  
and up to 20 years for a 20-year dedication.}

Re: Comm. 290.004  
Intr. by: Mr. Yagong  
Approved: FC-238

Bill 201: Amends Chapter 24, of the Hawaii County Code 1983 (1995 Edition),  
relating to Vehicles and Traffic.  
{Kamehameha Avenue at Kalakaua Street - proposed freight loading  
zone.}

Re: Comm. 651  
Intr. by: Mr. Yagong  
Approved: PWPC-73

Bill 208: Amends Chapter 24 (Traffic Schedule), of the Hawai'i County  
Code 1983 (1995 Edition), relating to Traffic Regulations.  
{Various streets - stop intersections.}

Re: Comm. 665  
Intr. by: Mr. Yagong  
Approved: PWPC-72

Bill 215: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition),  
relating to Vehicles and Traffic.  
{Palani Road - speed limits.}

Re: Comm. 681  
Intr. by: Mr. Yagong  
Approved: PWPC-74

Bill 216: Amends Ordinance 93-66, by changing the district classification from Agricultural (A-5a) to General Commercial (CG-10) and Open (O) at Keahuolu, North Kona, Hawai'i, covered by Tax Map Key 7-4-08:Portion of 12.  
{Liliuokalani Trust, applicant}

Re: Comm. 682  
Intr. by: Ms. Leithead-Todd  
Approved: PC-90

Bill 220: Amends Chapter 14, Article 10, of the Hawai'i County Code, as amended, relating to Exceptional Trees;  
{Gardenia Ramyi - Waianuenue Ave; Monkeypod Tree - Alae Cemetery.}

Re: Comm. 687  
Intr. by: Ms. Leithead-Todd  
Approved: PC-91

and

Comm. 687.001: From Arborist Advisory Committee Chairman David Tamura, dated March 22, 2000.

Bill 221: 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 - Coordinated Services account by \$30,000; and appropriates same to the Coordinated Services account.}

Re: Comm. 690  
Intr. by: Mr. Chung  
Approved: FC-235

Bill 222: Amends Ordinance 99-71, as amended, relating to Public  
 (Draft 2) Improvements and Financing Thereof for the Fiscal year July 1, 1999  
 to June 30, 2000.  
 {Adds the following PARKS & RECREATION projects: Kukuihaele  
 Park Public Restroom (\$150,000), Haina County Parks Lights  
 (\$125,000), Honoka'a Sports Complex Improvements (\$125,000),  
 Hakalau County Park Backstop, Fencing & Bleachers (\$150,000),  
 Honomu Gymnasium Repairs & Painting (\$175,000), Wainaku  
 Gymnasium Repairs & Repainting (\$100,000), Paaulo Park  
 Improvements (\$75,000); funds for these projects shall be provided  
 from General Obligation Bonds, Capital Project Fund, Fund Balance  
 and/or Other Sources accounts (\$900,000).}

Re: Comm. 691.001  
 Intr. by: Mr. Yagong  
 Approved: FC-236

Bill 229: Amends the Hawai'i County Code, 1983 (1995 Edition), to provide for  
 the establishment of a Workforce Investment Act Program.  
 {Adds a new Article to Chapter 2 to insert a Workforce Investment  
 Act Program referring to the United States Workforce Investment Act  
 of 1998, to improve the quality of the workforce, reduce welfare  
 dependency and enhance the productivity and competitiveness of  
 citizens.}

Re: Comm. 705  
 Intr. by: Mr. Chung  
 Waived: FC

Bill 230: 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 following Federal Grants, Workforce  
 Investment Act Fund accounts: Workforce Investment Act  
 Transition 2000 (\$38,300) and Workforce Investment Act 2000,  
 (\$4,032,353); and appropriates to the following Workforce Investment  
 Act accounts: Administration/Planning Transition 2000 (\$38,300),  
 Administration/Planning 2000 (\$403,236), and Projects 2000  
 (\$3,629,117).

Re: Comm. 705  
 Intr. by: Mr. Chung  
 Waived: FC

Bill 231: 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 Department Charges, Housing Fund account by \$38,300 and appropriates to the following Housing Fund accounts: Salaries & Wages (\$22,760), Other Current Expenses (\$9,426), Equipment (\$2,300), Pension Accumulation - Housing (\$950), FICA Employer Share - Housing (\$1,650), and Employer Health Plans - Housing (\$1,214).}

Re: Comm. 705  
Intr. by: Mr. Chung  
Waived: FC

Bill 237: 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 following Housing Fund accounts: Voucher (\$98,300) and HAP Fund (\$31,637); and appropriates to the following Housing fund accounts: Salaries & Wages (\$24,987), Other Current Expenses (\$4,200), Rental Assistance Payment-VOU (\$87,400), Equipment (\$6,550), Pension accumulation-Hsg (\$1,000), FICA-Social Security (\$1,900), and Employee Health Plans (\$3,900).}

Re: Comm. 721  
Intr. by: Ms. Pisicchio  
Waived: HCHA

ORDER OF THE DAY

Bill 200: Amends Chapter 24, of the Hawaii County Code 1983 (1995 Edition), relating to Vehicles and Traffic.  
{Kinoole Street - remove parking stalls for sight distances.}

Re: Comm. 650  
Intr. by: Mr. Yagong  
1st Reading: March 10, 2000  
Deferred: March 22, 2000

Bill 204:  
(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 by \$735,000; and appropriates to the following accounts: Special Counsel and Settlement Litigation (\$360,000) and Miscellaneous Insurance Claims and Judgement (\$375,000).}

Re: Comm. 657.002  
Intr. by: Mr. Chung  
1st Reading: March 10, 2000  
Amended: March 22, 2000  
Deferred: March 22, 2000

Bill 205:  
(Draft 2) Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Single Family Residential (RS-10) to Neighborhood Commercial (CN-20) at Waiakea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-34:85 and 93. {George T. Hara and Adele T. Hara, applicants }

Re: Comm. 659.003  
Intr. by: Ms. Leithead-Todd  
1st Reading: March 22, 2000

Bill 206: Amends Chapter 24, Division 6, Section 24-242 of the Hawai'i County Code 1983, relating to Parking Permits for Disabled Persons by repealing the fees. {Deletes Section 24-242(c)(1) & (2), fees for disabled parking. }

Re: Comm. 661  
Intr. by: Mr. Chung  
1st Reading: March 22, 2000

Bill 209: 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 following PARKS & RECREATION projects: Ahalanui Park/Pohoiki Park Development - FEMA (\$1,020,330), and County (\$340,110); funds for these projects to be provided from Federal Grants Receivable (\$1,020,330) and General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources accounts (\$340,110). }

Re: Comm. 670  
Intr. by: Mr. Smith  
1st Reading: March 22, 2000

Bill 211: 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 PARKS & RECREATION project: Seven Seas Luau House Improvement (\$500,000); funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources accounts (\$500,000). }

Re: Comm. 672  
Intr. by: Mr. Chung  
1st Reading: March 22, 2000

Bill 212: 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 Grants - Local Emergency Planning Committee account by \$24,000 and appropriates same to the Local Emergency Planning Committee account. }

Re: Comm. 676  
Intr. by: Mr. Chung  
1st Reading: March 22, 2000

Bill 223: Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), relating to Real Property Taxes.  
{Section 19-28. Assessment Lists; Section 19-91. Appeals. – extends deadlines for filing Assessment Lists and Appeals.}

Re: Comm. 698  
Intr. by: Ms. Leithead-Todd  
1st Reading: March 22, 2000

## REPORTS

### REFERRALS FOR EXECUTIVE SESSION

(The purpose of the meeting is to consult with Corporation Counsel relating to matters involving potential County liability, as authorized by Sections 92-4 and 92-5, HRS.)

Comm. 530.001: EXECUTIVE SESSION – KEAUHOU MASTER HOMEOWNERS  
ASSN. INC. V. COUNTY OF HAWAI'I, ET AL.,  
CIVIL NO. 96-006K

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From Deputy Corporation Counsel Steven Christensen, dated  
March 14, 2000.

Comm. 625.002: EXECUTIVE SESSION - ROGER CHRISTIE, ET AL. V. IOPA,  
ET AL., CIVIL NO. 95-01026DAE; ROGER CHRISTIE V.  
COUNTY OF HAWAI'I, ET AL., CIVIL NO. 99-316;  
ERNEST AARON ANDERSON V. COUNTY OF HAWAI'I,  
ET AL., CIVIL NO. 00-1-0065

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From Deputy Corporation Counsel Steven Christensen, dated  
March 6, 2000.

### OTHER BUSINESS

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

ANNOUNCEMENTS

WEDNESDAY, APRIL 5, 2000

HOUSING AGENCY 3:00 p.m. COUNCILROOM

MONDAY, APRIL 17, 2000

FINANCE COMMITTEE 10:00 a.m. COUNCILROOM  
SPECIAL MEETING  
(RECOMMENDATIONS ON OP & CIP BUDGETS)

TUESDAY, APRIL 18, 2000

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

WEDNESDAY, APRIL 19, 2000

COUNCIL 9:00 a.m. COUNCILROOM

TUESDAY, MAY 2, 2000

COMMITTEES TBA COUNCILROOM

WEDNESDAY, MAY 3, 2000

COUNCIL 9:00 a.m. COUNCILROOM

MONDAY, MAY 15, 2000

COUNCIL 9:00 a.m. COUNCILROOM  
COUNCIL PUBLIC HEARING 5:00 p.m. COUNCILROOM  
(REAL PROPERTY TAX RATES)

TUESDAY, MAY 16, 2000

COMMITTEES TBA COUNCILROOM

THURSDAY, MAY 25, 2000

COUNCIL PUBLIC HEARING  
(REAL PROPERTY TAX RATES)

6 p.m.

KONA SURF HOTEL  
KING KAMEHAMEHA BALLROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT

(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, April 5, 2000, at 6 p.m.; Sunday, April 9, 2000, at 9 a.m.; and Wednesday,  
April 12, 2000, at 6 p.m.