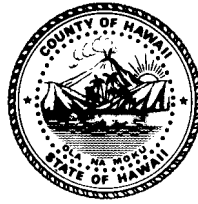


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

37th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Monday, May 15, 2000
9:00 a.m.

| | |
|---------------------|---|
| CALL TO ORDER | 9:10 a.m. |
| ROLL CALL | Al Smith absent; all others present |
| INVOCATION | The Reverend Brian Palmer of the Hilo Church of God - present |
| APPROVAL OF MINUTES | April 19, 2000; approved, as amended |

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

PETITIONS, MEMORIALS AND COMMUNICATIONS - none

ORDER OF RESOLUTIONS

[Res. 31-99:](#)
[\(Draft 2\)](#) Accepts the dedication of roadway lots within Sunrise Ridge Increment II Subdivision from Sunrise Ridge II Partners, Tax Map Keys (3)2-3-43-010, 2-4-67-039, and 2-4-67-040, to the County of Hawai'i;
 {For road, drainage and sewage purposes. }

Re: [Comm. 122.18](#)
 Intr. by: Mr. Yagong
 Approved: [PWPC-11](#)
 Introduced and amended:
 March 4, 1999
 Deferred: March 4, 1999 & February 16, 2000

and
[Comm. 122.04:](#) From Dr. Djon Indra Lim, received February 19, 1999;

Deferred: March 4, 1999 & February 16, 2000

and
[Comm. 122.019:](#) From Wastewater Division Chief Peter Boucher to Engineering Division Chief Galen Kuba, dated January 31, 2000;
 and

[Comm. 122.020:](#) From Deputy Corporation Counsel Gerald Takase, dated March 2, 2000, transmitting a proposed Draft 3 to Resolution 31-99;
 and

[Res. 31-99:](#)
[\(Draft 3\)](#) Accepts the dedication of roadway lots within Sunrise Ridge Increment II Subdivision from Sunrise Ridge II Partners, Tax Map Keys (3)2-3-43-010, 2-4-67-039, and 2-4-67-040, to the County of Hawai'i;
 {For road, drainage and sewage purposes. }

and
[Comm. 122.021:](#) From Deputy Corporation Counsel Gerald Takase, dated May 1, 2000.

DRAFT 3 ADOPTED:

8 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Picicchio, Tyler, Yagong and Chairman Arakaki

1 absent & excused:
 Councilmember Smith

[Res. 229-00:](#) Requests that time share units be permitted within the areas of Tax Map Key: 6-8-1: Portions of 25, 36, 37, 38, 39, and 40 as permitted under Section 25-5-32(a)(19)(C), Zoning Code of the Hawai'i County Code.
[Amended to](#)
[DRAFT 2](#)
[DEFERRED](#)
 {Bridge Puako, LLC, applicant; Establish time share on subject properties. }

Re: [Comm 704](#)
 Intr. by: Ms. Leithead-Todd
 Approved: [PC-97](#)

[Res. 244-00:](#) Transfers/appropriates \$4,000 out and from the Clerk/Council's Miscellaneous Contract Services account and credits same to Parks and Recreation Department, Elderly Activities Division.
 {Bus Transportation for Seniors to the 2000 and 2001 Senior Health Fairs. }

Re: [Comm. 743](#)
 Intr. by: Mr. Arakaki
 Approved: [FC-262](#)

ADOPTED

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

1 absent & excused:
 Councilmember Smith

[Res. 245-00:](#) Authorizes the acceptance of land from BP Partners, a Hawai'i General Partnership and Pan-Pacific Development, Inc., a Hawai'i Corporation, Tax Map Key (3)6-5-003-004, for the Waimea Trails & Greenways Project, Waimea, District of South Kohala;
[DEFERRED](#)

Re: [Comm 746](#)
 Intr. by: Mr. Elarionoff
 Approved: [FC-263](#)

and
[Comm. 746.001:](#) From Councilmember Aaron Chung, dated May 4, 2000.

[Res. 253-00](#): Authorizes the acceptance of a donation of real property from Thomas P. Knapp and Virginia M. Knapp, Co-Trustees of the unrecorded Sandpiper Point Living Trust under Trust Agreement dated June 20, 1990, Tax Map Key (3)1-5-01:015 (Portion).

Re: Comm. 769
 Intr. by: Mr. Yagong
 Waived: PWPC

ADOPTED

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

1 absent & excused:
 Councilmember Smith

BILLS FOR ORDINANCES

[Bill 217](#): Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2000 to June 30, 2001;
 {Proposed \$174,485,654 Operating Budget for the FY 2000-2001.}

Re: [Comm. 683](#)
 Intr. by: Mr. Chung
 No Recommendation: [FC-259](#)

and

[Comm. 683.012](#): From Lester J. Ishado, Deputy Corporation Counsel, Workers' Compensation Unit, dated April 18, 2000;

and

[Comm. 683.013](#): From Mayor Stephen K. Yamashiro, transmitting a proposed Draft 2 to Bill 217;

and

[Bill 217](#): Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2000 to June 30, 2001.
[\(Draft 2\)](#) {Proposed \$175,076,612 Operating Budget for the FY 2000-2001.}

Amended to **DRAFT 3**
PASSED 1ST READING

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

2 absent & excused:
 Councilmembers Chung and Smith

Bill 218: Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2000 to June 30, 2001.
{Proposed \$34,558,000 Capital Budget for FY 2000-2001.}

Re: Comm. 684
Intr. by: Mr. Chung
No Recommendation: FC-260

and

Comm. 684.006: From Mayor Stephen K. Yamashiro, dated May 5, 2000, transmitting a proposed Draft 2 to Bill 218;

and

Bill 218 (Draft 2) Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2000 to June 30, 2001.
{Proposed \$46,624,000 Capital Budget for FY 2000-2001.}

Amended to DRAFT 3

PASSED 1ST READING

6 ayes: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Yagong and Chairman Arakaki

1 no: Councilmember Tyler

2 absent & excused:

Councilmembers Chung and Smith

Bill 219 (Draft 2): Adopts a Pay Plan for persons employed by the County other than those whose pay is otherwise provided for, designating payroll periods, pay days, prescribing requirements with respect to official fidelity bonds, and repealing Ordinance No. 99-72 and all amendments thereto, said ordinance to be known as the Salary Ordinance of 2000.

Re: Comm. 686.002
Intr. by: Mr. Chung
Approved: FC-264

Amended to DRAFT 3

PASSED 1ST READING

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

1 absent & excused:

Councilmember Smith

[Bill 244:](#) Amends Chapter 19, of the Hawai'i County Code 1983 (1995 Edition),
[\(Draft 2\)](#) by amending Article 10, Section 19-75 relating to Real Property Tax
DEFERRED Exemptions (Exemption, persons with impaired sight or hearing and
persons totally disabled).

Re: [Comm. 742.001](#)
Intr. by: Mr. Yagong
Approved: [FC-261](#)

[Bill 245:](#) Amends the Parks and Recreational Facility Schedule established by
Ordinance No. 00-15, by renaming the Seven Seas Lu'au House in
Honor of Sally Kaleohano.

Re: [Comm. 747](#)
Intr. by: Mr. Chung
Approved: [PWPC-78](#)

Amended to DRAFT 2
PASSED 1ST READING

8 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler,
Yagong and Chairman Arakaki
1 absent & excused:
Councilmember Smith

ORDER OF THE DAY

[Bill 235:](#) Amends Ordinance 99-70, as amended, the Operating Budget for the
Fiscal Year ending June 30, 2000.
{Increases revenues in the Federal Grants - Federal Transit
Administration account by \$299,971; and appropriates same to the
Federal Transit Administration account. }

Re: [Comm. 717](#)
Intr. by: Mr. Chung
1st Reading: May 3, 2000

PASSED 2ND & FINAL READING

7 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler
and Chairman Arakaki
2 absent & excused:
Councilmembers Smith and Yagong

[Bill 239](#): 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 General Commercial (CG-7.5) at Waiakea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-20:11.
{Thomas C. Chen, applicant}

Re: [Comm. 733](#)
Intr. by: Ms. Leithead-Todd
1st Reading: May 3, 2000

PASSED 2ND & FINAL READING

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

1 absent & excused:
Councilmember Smith

[Bill 246](#): Amends Ordinance No. 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, Solid Waste account by \$200,000; and appropriates same to the Landfills, Other Current Expenses, Solid Waste account.}

Re: [Comm. 756](#)
Intr. by: Mr. Chung
1st Reading: May 3, 2000

PASSED 2ND & FINAL READING

7 ayes: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler and Chairman Arakaki

2 absent & excused:
Councilmembers Smith and Yagong

REPORTS - no 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. 748](#): 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 April 18, 2000.

CONCUR with the recommendation of Corporation Counsel

Deferred: May 3, 2000

Comm. 772: EXECUTIVE SESSION - KERI LYNN MORITA, ET AL. V. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 99-101; JOHN GALLAGHER, ET AL. V. COUNTY OF HAWAI'I, CIVIL NO. 00-1-123
 From Deputy Corporation Counsel Joseph Kamelamela, dated May 4, 2000.

DOES NOT CONCUR with the recommendation of Corporation Counsel

OTHER BUSINESS

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

ANNOUNCEMENTS

MONDAY, MAY 15, 2000

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

TUESDAY, MAY 16, 2000

| | | |
|-------------------------------------|------------|-------------|
| PUBLIC WORKS AND PARKS COMMITTEE | 9:00 a.m. | COUNCILROOM |
| FINANCE COMMITTEE | 10:30 a.m. | COUNCILROOM |
| PLANNING COMMITTEE | -CANCELED- | COUNCILROOM |

THURSDAY, MAY 25, 2000

| | | |
|---|-----------|---|
| COUNCIL PUBLIC HEARING (REAL PROPERTY TAX RATES) | 6:00 p.m. | KONA SURF HOTEL KING KAMEHAMEHA BALLROOM |
|---|-----------|---|

THURSDAY, JUNE 1, 2000

| | | |
|-------------------------------------|------------|-------------|
| PUBLIC WORKS AND PARKS COMMITTEE | 9:00 a.m. | COUNCILROOM |
| FINANCE COMMITTEE | 10:30 a.m. | COUNCILROOM |
| PLANNING COMMITTEE | 1:30 p.m. | COUNCILROOM |

FRIDAY, JUNE 2, 2000

COUNCIL

9:00 a.m.

COUNCILROOM

TUESDAY, JUNE 20, 2000

COMMITTEES

TBA

COUNCILROOM

WEDNESDAY, JUNE 21, 2000

COUNCIL

9:00 a.m.

COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT - 7:35 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, May 17, 2000 at 6 p.m.; Sunday, May 21, 2000 at 9 a.m.; and Wednesday, May 24, 2000.