

JAMES Y. ARAKAKI
Chairman & Presiding Officer

J. CURTIS TYLER, III
Vice Chairman



AARON S.Y. CHUNG
LENINGRAD ELARIONOFF
JULIE JACOBSON
BOBBY JEAN LEITHEAD-TODD
NANCY PISICCHIO
GARY SAFARIK
DOMINIC YAGONG

COUNTY COUNCIL

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

2nd Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

December 20, 2000
9:00 a.m.

INVOCATION

Pastor Dan De Luz, Jr. of Thy Word Ministries

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

November 29, 2000

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

Comm. 26: REQUEST TO ADDRESS THE COUNTY COUNCIL
From Mayor Harry Kim, dated December 7, 2000.

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

ORDER OF RESOLUTIONS

Res. 11-01: Authorizes the Corporation Counsel and his authorized representative to enter into an agreement with the individually named defendants, parties, who are or were officials and employees of the County of Hawai'i, to represent in the civil action Tanny M. Cazimero v. County of Hawai'i, et al., Civil No. 00-1-0384, and appoint Special Counsel for them, individually, arising from that case.

Re: Comm. 32
Intr. by: Mr. Chung (B/R)
Waived: FC

BILLS FOR ORDINANCES

Bill 348: 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 Agricultural (A-5a) to Residential-Commercial Mixed Use (RCX-2a) at Keahuolu, North Kona, Hawai'i, covered by Tax Map Key 7-4-8:Portion of 1.
{ Queen Liliuokalani Trust, applicant. }

Re: Comm. 971
Intr. by: Ms. Leithead-Todd (B/R)
Approved: PC-124
Deferred: November 29, 2000

Bill 353: Amends Chapter 11 of the Hawai'i County Code, 1983 (1995 Edition), as amended, to update the In-Lieu amount.
{Seeks to update the in-lieu fee amount relating to affordable housing by changing it from \$4,720 per affordable unit required in year 1997 dollars to \$11,940 per affordable unit in year 2000 dollars for rezonings involving residential, resort and industrial uses.}

Re: Comm. 981
Intr. by: Ms. Pisicchio
Approved: HCHA - November 15, 2000

Bill 12: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Parking prohibited during certain hours on certain streets; tow-away zone - Keanalehu Drive.}

Re: Comm. 30
Intr. by: Mr. Tyler
Waived: PWIRC

ORDER OF THE DAY

Bill 214:
(Draft 6) Amends Chapter 15 of the Hawai'i County Code 1983 (1995 Edition), relating to Parks and Recreation;
{Adds/deletes beach parks from list of areas prohibited from removing sand and other materials.}

Re: Comm. 680.008
Intr. by: Mr. Yagong (B/R)
Deferred: August 23, 2000
1st Reading: November 29, 2000

- Bill 240:
(Draft 4)
- Amends Chapter 25 (Zoning Code), of the Hawai'i County Code 1983 (1995 Edition), relating to Bed and Breakfast Establishments.
{Section 25-1-5(b) 13: Amends the meaning of bed and breakfast establishment to include any single family dwellings and/or guest houses which have been permitted on a building site; Section 25-2-73: Eliminates the plan approval requirements by repealing the section; Section 25-4-7: Permits bed and breakfast establishments in the RA, FA, A districts within the State Land Use Urban District; eliminates the concept of a bed and breakfast as an accessory use, but retains the requirement that it be subordinate and clearly or customarily incidental to the principal use as a residence by its operator; retains existing 5-guest bedroom limitation; deletes minimum lot size requirement of 15,000 square feet; and makes minor grammatical changes.
- Re: Comm. 734.007
Intr. by: Ms. Leithead-Todd
1st Reading: November 29, 2000
- Bill 344:
- Amends the State Land Use Boundaries Map, H-14 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 6-2-11:28.
{P. Mariah Kusters, applicant. }
- Re: Comm. 969
Intr. by: Ms. Leithead-Todd (B/R)
1st Reading: November 20, 2000
- Bill 345:
(Draft 2)
- Amends Section 25-8-7 (North and South Kohala 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 6-2-11:28.
{P. Mariah Kusters, applicant. }
- Re: Comm. 969
Intr. by: Ms. Leithead-Todd (B/R)
1st Reading: November 29, 2000

- Bill 346: 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 6-2-9:22.
{ Andrew Kelsey, applicant. }
- Re: Comm. 970
Intr. by: Ms. Leithead-Todd (B/R)
1st Reading: November 29, 2000
- Bill 347:
(Draft 2) Amends Section 25-8-7 (North and South Kohala 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 6-2-9:22.
{ Andrew Kelsey, applicant. }
- Re: Comm. 970.001
Intr. by: Ms. Leithead-Todd (B/R)
1st Reading: November 29, 2000
- Bill 351: Amends Ordinance No. 00-63, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2001.
{ Increases revenues in the Federal - Block Grant (\$3,000) and Block Grant Program Income (\$28,473.31) accounts; and appropriates \$31,473.31 to the Removal of Architectural Barriers account. }
- Re: Comm. 979
Intr. by: Ms. Piscichio
1st Reading: November 29, 2000
- Bill 352: Amends Ordinance No. 00-63, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2001.
{ Increases revenues of \$102,274.71 in the HOME Program Income account; and appropriates same to the following accounts: County of Hawai'i - 1999 Tenant (\$59,190.41), and 2000 Tenant Based Rental Assistance (\$43,084.30). }
- Re: Comm. 980
Intr. by: Ms. Piscichio
1st Reading: November 29, 2000

Bill 354: Amends Ordinance 00-64, as amended, relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2000 to June 30, 2001. {Adds the PUBLIC WORKS: Komohana Street Bridge at Alenaio Stream-Federal project (\$4,000,000); funds for this project to be provided from Federal Grants receivable (\$4,000,000).}

Re: Comm. 982
Intr. by: Mr. Chung
1st Reading: November 29, 2000

Bill 355: Amends Ordinance No. 00-64, as amended, relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2000 to June 30, 2001. {Adds the PUBLIC WORKS: Repair Flood Damage - Federal Highway Administration project (\$4,000,000); funds for this project to be provided from Federal Grants Receivable (\$4,000,000).}

Re: Comm. 984
Intr. by: Mr. Chung
1st Reading: November 29, 2000

Bill 356: Amends Ordinance No. 00-64, as amended, relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2000 to June 30, 2001. {Adds the PUBLIC WORKS: Stream Repairs - Natural Resources Conservation Service project (\$1,500,000); funds for this project to be provided from Federal Grants Receivable (\$1,500,000).}

Re: Comm. 985
Intr. by: Mr. Chung
1st Reading: November 29, 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. 14: EXECUTIVE SESSION - OTANI V. COUNTY OF HAWAI'I, CIV. NO. 96-0062DAE & 96-0063DAE; AND STATE V. MANUEL FRAGIAO, CR. NO. 96-224
From Deputy Corporation Counsel Joseph K. Kamelamela, dated December 1, 2000.

Comm. 32.1: EXECUTIVE SESSION - CAZIMERO V. COUNTY OF HAWAI'I, ET. AL., CIVIL NO. 00-1-0384
From Acting Corporation Counsel Ted H.S. Hong, dated December 13, 2000.

OTHER BUSINESS

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

Comm. 31: NOMINATION OF LINCOLN S.T. ASHIDA TO CORPORATION COUNSEL
From Mayor Harry Kim, dated December 6, 2000;

Waived: FC

and

Comm. 31.1: From Acting Corporation Counsel Ted H.S. Hong, dated December 8, 2000.

ANNOUNCEMENTS

TUESDAY, JANUARY 9, 2001

COMMITTEES TBA COUNCILROOM

WEDNESDAY, JANUARY 10, 2001

COUNCIL 9: 00 a.m. COUNCILROOM

TUESDAY, JANUARY 23, 2000

COMMITTEES TBA COUNCILROOM

WEDNESDAY, JANUARY 24, 2000

COUNCIL

9:00 a.m.

COUNCILROOM

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, December 27, 2000, at 6 p.m.; and Sunday, December 31, 2001, at 9:00 a.m.; and
Wednesday, January 3, 2000, at 6:00 p.m.