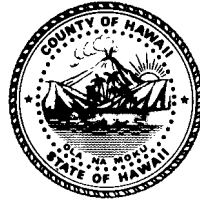


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

9th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

April 4, 2001
9:00 a.m.

INVOCATION Captain Fred Apuan of the Salvation Army - **present**

CALL TO ORDER **9:09 a.m.**

ROLL CALL **All present**

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES February 22, 2001 - **deferred**

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

Comm. 166: HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC)
FY 2001-2002 ANNUAL BUDGET
 From Chairman Leningrad Elarionoff, Committee on Public Works & Intergovernmental Relations, dated March 22, 2001, requesting action and consideration to meet the requested April 15, 2001 deadline for approval referenced by HSAC Treasurer Ron Kouchi in his letter dated March 14, 2001, to members of the HSAC Executive Committee.

Waived: PW&IRC

FILE COMM. 166 &
 APPROVE HSAC FY2001-2002 ANNUAL BUDGET

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

ORDER OF RESOLUTIONS

Res. 37-01: Names streets in the County of Hawai'i, State of Hawai'i.
 (Certain unnamed roadways within Waipunalei Homesteads, North Hilo, Hawai'i)

Re: Comm. 93
 Intr. by: Ms. Leithead-Todd
 Approved: PC-11

ADOPTED
 7 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler, Yagong and Chairman Arakaki
 NOES: None
 2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

Res. 38-01: Names streets in the County of Hawai'i, State of Hawai'i
 (Certain unnamed roadways within O'okala, North Hilo, Hawai'i)

Re: Comm. 94
 Intr. by: Ms. Leithead-Todd
 Approved: PC-12

ADOPTED
 7 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler, Yagong and Chairman Arakaki
 NOES: None
 2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

Res. 39-01: Names streets in the County of Hawai'i, State of Hawai'i.
 (Draft 2) (Certain unnamed roadways within Pa'auilo Village, Pa'auilo Camp, and Nakalei Camp, Hamakua, Hawai'i)

Re: Comm. 95.1
 Intr. by: Ms. Leithead-Todd
 Approved: PC-13

and
 Comm. 95.2 From Planning Committee Chair Bobby Jean Leithead-Todd, dated March 20, 2001, transmitting a proposed Draft 3 to Resolution 39-01;
 and

Res. 39-01: Names streets in the County of Hawai'i, State of Hawai'i.
 (Draft 3) (Certain unnamed roadways within Pa'auilo Village, Pa'auilo Camp, and Nakalei Camp, Hamakua, Hawai'i)

AMENDED TO DRAFT 3 & ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

Res. 40-01: Names streets in the County of Hawai'i, State of Hawai'i.
 (Draft 2) (Certain unnamed roadways within the Pa'auhau Village, Hamakua, Hawai'i)

Re: Comm. 96
 Intr. by: Ms. Leithead-Todd
 Approved: PC-14

and
 Comm. 96.2 From Planning Committee Chair Bobby Jean Leithead-Todd, dated March 20, 2001, transmitting a proposed Draft 3 to Resolution 40-01;
 and

Res. 40-01: Names streets in the County of Hawai'i, State of Hawai'i.
 (Draft 3) (Certain unnamed roadways within the Pa'auhau Village, Hamakua, Hawai'i)

AMENDED TO DRAFT 3 & ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Res. 41-01: Names streets in the County of Hawai'i, State of Hawai'i.
(Certain unnamed roadway within Pa'auilo Homesteads, Hamakua, Hawai'i)

Re: Comm. 97
Intr. by: Ms. Leithead-Todd
Approved: PC-15

ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Res. 42-01: Names streets in the County of Hawai'i, State of Hawai'i.
(Draft 2) (Several streets in Ka'auhuhu Homesteads, North Kohala, Hawai'i)

Re: Comm. 98
Intr. by: Ms. Leithead-Todd
Approved: PC-16

and

Comm. 98.2: From. Planning Committee Chair Bobby Jean Leithead-Todd, dated March 20, 2001, transmitting a proposed Draft 3 to Resolution 42-01;

and

Res. 42-01: Names streets in the County of Hawai'i, State of Hawai'i.
(Draft 3) (Several streets in Ka'auhuhu Homesteads, North Kohala, Hawai'i)

AMENDED TO DRAFT 3 & ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Res. 61-01: Authorizes the payment of funds of a later fiscal year or of more than one fiscal year for a multi-year lease of real property.
(Kona Elderly Activities Office, Department of Parks & Recreation)

Re: Comm. 145
Intr. by: Ms. Pisicchio
Negative: FC-49

ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Res. 62-01: Transfers \$350,000 out and from Contingency Relief Account; and credits same to Vacation Pay Account.

Re: Comm. 146

Intr. by: Mr. Chung

Approved: FC-50

ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Res. 63-01: Supports efforts to further develop the cruise ship industry by establishing Hilo Harbor as a homeport for a cruise ship and promoting Hilo as a cruise ship destination.

Re: Comm. 149

Intr. by: Mr. Arakaki

Approved: HSEDC-4

ADOPTED

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

1 NO: Councilmember Jacobson

Res. 64-01: Authorizes the Office of the Mayor to enter into an agreement with the United States of America, pursuant to HRS 46-7, for a Community Empowerment Organization Grant.

Re: Comm. 151

Intr. by: Mr. Chung

Approved: FC-53

ADOPTED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

BILLS FOR ORDINANCES (FIRST READING)

Bill 32: Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Open (O) and Agricultural (A-1a) to Family Agricultural (FA-2a) at Kapoho and Halekamahina, Puna, Hawai'i, covered by Tax Map Key 1-4-73:27.
(Draft 2) (Joshua K. Leo, Applicant)

Re: Comm. 125.1
Intr. by: Ms. Leithead-Todd
Approved: PC-17

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

Bill 40: Amends Ordinance 00-63, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2001, by appropriating \$880,000 in the Fund Balance from Previous Year Account, Highway Fund; and appropriates to the following Highway Fund accounts: Traffic Division Equipment (\$40,000), Street Lights (\$100,000), Highway Maintenance Administration - Other Current Expenditures (\$140,000), Roadside Maintenance Services (\$200,000), and Trans to Cap Project Fund - H (\$400,000).

Re: Comm. 150
Intr. by: Mr. Chung
Approved: FC-51

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

Bill 41: Amends Ordinance 00-63, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2001, by appropriating \$150,000 in the Federal Grant - Community Empowerment Organization account; and appropriates same to the Community Empowerment Org account.

Re: Comm. 151
Intr. by: Mr. Chung
Approved: FC-52

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

Bill 42: Amends Ordinance 00-63, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2001, by appropriating \$56,204.65 in the Fund Balance From Previous Year Account, Park Dedication Fund; and appropriates same to the Transfer to Capital Project - Park Dedication Account.

Re: Comm. 152
 Intr. by: Mr. Elarionoff
 Approved: FC-54

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

Bill 43: Amends Ordinance 00-64, as amended, relating to public improvements and financing thereof for the Fiscal Year July 1, 2000 to June 30, 2001, by adding the Parks & Recreation: Waimea Trails and Greenways - Park Dedication project by \$56,204.65; fund for this project shall be provided from the Park Dedication Fund.

Re: Comm. 152
 Intr. by: Mr. Elarionoff
 Approved: FC-55

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 29: Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), as amended, relating to Real Property Taxes.
 (Draft 2) {Positions the County for the anticipated passage of legislation currently being considered by the State Legislature to collect at least 1.885% upon the gross income of the public utilities' business within the county in lieu of real property taxes.}

Re: Comm. 104
 Intr. by: Mr. Chung
 1st Reading: March 21, 2001

PASSED 2ND & FINAL READING
& RATIFY AGREEMENT BETWEEN UTILITY COMPANIES & COUNTIES AND STATE

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

Bill 33: Amends Ordinance No. 00-64, as amended, relating to Public
(Draft 2) Improvements and Financing Thereof for the Fiscal Year July 1, 2000 to
June 30, 2001.
{ Adds the Flood Disaster Projects - County Match project (\$2,000,000); funds
shall be provided from General Fund (\$1,500,000), and General Obligation
Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$500,000). }

Re: Comm. 126.1

Intr. by: Mr. Chung

PASSED 2ND & FINAL READING 1st Reading: March 21, 2001

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler,
Yagong and Chairman Arakaki

Bill 34: Amends Ordinance No. 00-63, as amended, the Operating Budget for the
County of Hawai'i for the Fiscal Year ending June 30, 2001.
{ Appropriates revenues of \$149,000 in the Federal Grant - Project PAU account;
and appropriates same to the Project PAU account. }

Re: Comm. 129

Intr. by: Mr. Chung

PASSED 2ND & FINAL READING 1st Reading: March 21, 2001

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler,
Yagong and Chairman Arakaki

Bill 35: 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 \$870 in the Retired Senior Volunteer Program (RSVP)
account; and appropriates same to the Retired Senior Volunteer Program - Other
Current Expenses account. }

Re: Comm. 131

Intr. by: Mr. Chung

PASSED 2ND & FINAL READING 1st Reading: March 21, 2001

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong
and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Bill 36: Amends Ordinance No. 00-63, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2001. {Appropriates revenues of \$83,868 in the Federal Grants - Prosecuting Attorney - Local Law Enforcement Block Grant account; and appropriates same to the Local Law Enforcement Block Grant account.}

Re: Comm. 132

Intr. by: Mr. Chung

PASSED 2ND & FINAL READING Approved: FC-47

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

REPORTS

PC Rept. 18: Recommends the approval of the appointment of Ms. Hannah Springer to the Hawai'i County Planning Commission; APPROVED and

Comm. 153.1: From W. Frank Brandt, FASLA, President, PBR Hawai'i, dated March 14, 2001.

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. 156: EXECUTIVE SESSION - CLAIM OF CHARLES HANOHANO
From Deputy Corporation Counsel Steven Christensen, dated March 15, 2001.
CONCUR W/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

TUESDAY APRIL 17, 2001

PUBLIC WORKS & INTERGOVERN- MENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCILROOM
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FINANCE COMMITTEE	10:00 a.m.	COUNCILROOM
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(includes Operating & Capital Budgets discussion)

PARKS & ENVIRONMENTAL MANAGEMENT COMMITTEE	1:00 p.m.	COUNCILROOM
PLANNING COMMITTEE	2:00 p.m.	COUNCILROOM
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE (includes Nonprofit Organizations' grant application recommendations)	3:00 p.m.	COUNCILROOM

WEDNESDAY, APRIL 18, 2001

HOUSING AGENCY	8:15 a.m.	COUNCILROOM
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: Channel 52 (Hilo and Kona)

April 11, 2001, at 6 p.m.; Sunday, April 15, 2001, at 9 a.m.; and Wednesday, April 18, 2001, at 6 p.m.