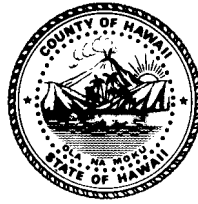


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

11th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

May 2, 2001
9:00 a.m.

INVOCATION	The Reverend Tag Taggart of the Center for Spiritual Growth - present
CALL TO ORDER	9:10 a.m.
ROLL CALL	Mr. Arakaki absent; all others present
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	March 21, 2001, April 4, 2001 and April 18, 2001 - approved, as amended
PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE	
STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON THE ORDER OF BUSINESS	

ORDER OF RESOLUTIONS

- Res. 69-01: Authorizes the acceptance of five Doppler Fetal Medasonics First Beat Monitors.
{Donation to the Hawai'i County Fire Department.}
- Re: Comm. 175
Intr. by: Mr. Chung
Approved: FC-64
- ADOPTED
8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Yagong and Chairman Tyler
NOES: None
1 ABSENT & EXCUSED: Councilmember Arakaki
- Res. 70-01: Relating to the construction of improvements by assessments at Kealakehe, Honokohau, Kaloko and Kohanaiki, District of North Kona, Hawai'i.
DEFERRED
{Sewer line extension from the Kealakehe Wastewater Treatment Plant to Kohanaiki.}
- Re: Comm. 179
Intr. by: Mr. Tyler
Approved: FC-65
- Res. 71-01: Authorizes the acceptance of a treadmill for Papa'aloa Gym.
- Re: Comm. 182
Intr by: Mr. Chung
Approved: FC-67
- ADOPTED
8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Yagong and Chairman Tyler
NOES: None
1 ABSENT & EXCUSED: Councilmember Arakaki
- Res. 72-01: Transfers/appropriates \$2,600 out and from the West Hawai'i Band - Other Current Expenses account and credits same to the West Hawai'i Band - Equipment account.
- Re: Comm. 183
Intr. by: Mr. Chung
Approved: FC-68
- ADOPTED:
8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Yagong and Chairman Tyler
NOES: None
1 ABSENT & EXCUSED: Councilmember Arakaki

Res. 74-01: Authorizes the Mayor of the County of Hawai'i or, in his absence, the Acting Mayor or authorized representative to execute and submit the 2001 Action Plan and all other related documents to the United States Department of Housing and Urban Development for the 2001 Community Development Corporation of Hawai'i for the HOME Investment Partnerships Programs.

Re: Comm. 192

Intr. by: Mr. Safarik

ADOPTED: Approved: HCHA-04/18/01

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

Res. 75-01: Authorizes the Mayor to execute and submit a pre-application for Community Facility Disaster Assistance funds.
{Application for CDFA grant funds available for Federally declared disaster areas through the United States Department of Agriculture, Rural Development. }

Re: Comm. 196

Intr. by: Mr. Safarik

Waived: FC

AMENDED TO DRAFT 2 &

ADOPTED:

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

Res. 76-01: Recognizes May as Whale Summit Month in Hawai'i County.

Re: Comm. 197

Intr. by: Mr. Safarik

Waived: HSEDC

AMENDED TO DRAFT 2 &

ADOPTED:

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

Res. 78-01: Authorizing the Office of the Mayor to enter into an agreement with the Office of Hawaiian Affairs, pursuant to HRS 46-7, for a Kawanakoa Hall replacement project grant.

Re: Comm. 199
Intr. by: Mr. Chung
Waived: FC

AMENDED TO DRAFT 2 &

ADOPTED:

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

BILLS FOR ORDINANCES (FIRST READING)

Bill 48: Amends Ordinance 00-63, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2001.
{ Appropriates revenues of \$470,250 in the Interest Earned account; and appropriates same to the following accounts: Fire Protection - Salaries & Wages (\$59,000) and Basic EMT Training Equipment (\$411,250). }

Re: Comm. 181
Intr. by: Mr. Chung
Approved: FC-66

PASSED 1ST READING:

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

Bill 50: 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 following PARKS & RECREATION projects: Hilo Bayfront Beach Park - Photovoltaic Lighting System - Federal (\$20,000), Hilo Bayfront Beach Park - Photovoltaic Lighting System - State (\$30,000), and Hilo Bayfront Beach Park - Photovoltaic Lighting System - County (\$30,000); funds for these projects to be provided from Federal Grants Receivable (\$20,000), State Grants Receivable (\$30,000) and General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources (\$30,000).

Re: Comm. 190
 Intr. by: Mr. Chung
 Waived: FC

PASSED 1ST READING:

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

Bill 51: 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 POLICE DEPARTMENT: Public Safety Building Complex Cellblock Detention Facility (\$1,500,000); funds for this project to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$1,500,000).

Re: Comm. 191
 Intr. by: Mr. Chung (B/R)
 Waived: FC

AMENDED TO DRAFT 3 &

PASSED 1ST READING:

6 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik and Yagong

2 NOES: Councilmember Jacobson and Chairman Tyler

1 ABSENT & EXCUSED: Councilmember Arakaki

Bill 52: 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 following General Fund accounts: Federal - Block Grant (\$2,295,000) and Block Grant Program Income (\$8,400); and appropriates to the following General Fund accounts: Transportation Service-Van Purchase (\$45,000), Public Facilities-Solar Water Heating (\$100,000), Public Facilities, Police Cell Block (\$500,000), Flood Drainage Improvements (\$458,400), Removal of Architectural Barriers (\$700,000), Administration/Planning/Fair Housing (\$350,000) and Public Facilities-Construction Management (\$150,000).}

Re: Comm. 193
Intr. by: Mr. Safarik
Approved: HCHA-04/18/01

PASSED 1ST READING:

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

Bill 53: 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 \$963,000 in the Federal - 2001 HOME Program account and appropriates same to the following General Fund accounts: Pu'ukapu Senior Housing (\$850,000), Pu'ukapu Self-Help Housing (\$50,000) and Office of Housing and Community Development Administration (\$63,000).

Re: Comm. 194
Intr. by: Mr. Safarik
Approved: HCHA-04/18/01

PASSED 1ST READING:

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

Bill 54: 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 following PARKS AND RECREATION project: Keaukaha Gymnasium - OHA (\$667,000); funds for this project shall be provided from State Grants Receivable (\$667,000).

Re: Comm. 199
Intr. by: Mr. Chung
Waived: FC

PASSED 1ST READING:

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

ORDER OF THE DAY

Bill 45 Amends the State Land Use Boundaries Map, H-8 for the County of Hawai'i, by changing the district classification from the Agricultural to the Urban District at Keauhou 1st, North Kona, Hawai'i, covered by Tax Map Key 7-8-11:Portion of 8. {Kamehameha Investment Corporation, applicant.}

Re: Comm. 159
Intr. by: Ms. Leithead-Todd
1st Reading: April 18, 2001

PASSED 2ND & FINAL READING:

7 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pischio, Safarik, Yagong and Chairman Tyler

1 NO: Councilmember Jacobson

1 ABSENT & EXCUSED: Councilmember Arakaki

Bill 46
(Draft 3)

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 Single Family Residential (RS-15) at Keauhou 1st, North Kona, Hawai'i, covered by Tax Map Key 7-8-11:Portion of 8.
{Kamehameha Investment Corporation, applicant.}

Re: Comm. 159.2
Intr. by: Ms. Leithead-Todd
1st Reading: April 18, 2001

PASSED 2ND & FINAL READING:

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

1 NO: Councilmember Jacobson

1 ABSENT & EXCUSED: Councilmember Arakaki

Bill 47

Amends Ordinance 00-63, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year ending June 30, 2001.
{Appropriates revenues of \$5,000 in the State Grants - Local Emergency Planning Committee account; and appropriates same to the Local Emergency Planning Committee account.}

Re: Comm. 160
Intr. by: Mr. Chung
1st Reading: April 18, 2001

PASSED 2ND & FINAL READING:

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Arakaki

REPORTS

**FINANCIAL
REPORT:**

Monthly Financial Status Report from the Department of Finance for the month ended March 31, 2001.

**PEMC Rept. 3:
(Comm. 173)
APPROVED**

The Committee on Parks and Environmental Management recommends the approval of the nominations of Morris I. Kihara, Wendall E. K. Kekumu and Paul K. Johnston to the Hawai'i County Veterans Advisory Committee, to serve terms ending December 31, 2005.

The Committee on Parks and Environmental Management recommends the approval of the nominations of Mack S. Asato, Hugh Y. Ono,

- PEMC Rept 4:
(Comm. 174)
APPROVED
Samuel S. Kawamura, Barbara Bell, Lou Ann K. Jones, David Kimo Frankel, Peter E. Martin, Carolyn A. Witcher, and Riley W. Smith to the Hawai'i County Environmental Management Commission.
- FC Rept. 60:
(C-176)
APPROVED
The Committee on Finance recommends the confirmation of Kelly Y. Kurakazu and George A. Harai to the Hawai'i County Liquor Commission;
and
Comm. 176.1:
FILE CLOSED
From Executive Assistant Wendall Hatada, dated April 23, 2001.
- FC Rept. 61:
(C-177)
APPROVED
The Committee on Finance recommends the confirmation of Daniel C. Kama and Jon M. Bertsch to serve on the Hawai'i County Police Commission.
- FC Rept. 62:
(C-178)
APPROVED
The Committee on Finance recommends the confirmation of Rudolph C. Hart, Natalie Flattes, Karen T. Maedo, Louis Kaoiwi, Neil Brazier, Terry Wallace, Dale A. Fergerstrom, Alexander R. Biro and Stephen P. Bowles to the Hawai'i County Fire Commission.
- FC Rept. 63:
(C-180)
APPROVED
The Committee on Finance recommends the confirmation of Leroy J. Victorine and Keolalani Hanoa to the Hawai'i County Board of Ethics.

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. 185:
CONCUR
W/CORP
COUNSEL
EXECUTIVE SESSION - L.T.M. CORPORATION, DBA CIVIL-MECHANICAL CONTRACTORS VS. COUNTY OF HAWAI'I; CIV. NO. 00-1-0163

From Corporation Counsel Lincoln Ashida, dated April 10, 2001.

Deferred: April 18, 2001

Comm. 189: EXECUTIVE SESSION - WILLIAM SILVA V. COUNTY OF
CONCUR HAWAI'I, ET. AL., CIVIL NO. 97-622; LITIGATION EXPENSES
W/CORP From Corporation Counsel Lincoln Ashida, dated April 16, 2001.
COUNSEL

OTHER BUSINESS

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

ANNOUNCEMENTS

TUESDAY, MAY 15, 2001

PUBLIC WORKS & INTERGOVERN- MENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCILROOM
FINANCE COMMITTEE	10:00 a.m.	COUNCILROOM
PARKS & ENVIRONMENTAL MANAGEMENT COMMITTEE	1:00 p.m.	COUNCILROOM
PLANNING COMMITTEE	2:00 p.m.	COUNCILROOM
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE	3:00 p.m.	COUNCILROOM

WEDNESDAY, MAY 16, 2001

HOUSING AGENCY	8:15 a.m.	COUNCILROOM
COUNCIL	9:00 a.m.	COUNCILROOM
COUNCIL (PUBLIC HEARING - REAL PROPERTY TAX RATES)	5:00 p.m.	COUNCILROOM

THURSDAY, MAY 17, 2001

COUNCIL (PUBLIC HEARING - REAL PROPERTY TAX RATES)	6:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
---	-----------	--

TUESDAY, JUNE 5, 2001

COMMITTEES	TBA	COUNCILROOM
------------	-----	-------------

WEDNESDAY, JUNE 6, 2001

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)

Wednesday, May 9, 2001, at 6 p.m.; Sunday, May 13, 2001, at 9 a.m.; and Wednesday, May 16, 2001, at 6 p.m.