

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*

20th Session

ORDER OF BUSINESS

Hawai'i County Council
Royal Kona Resort
Resolution Room
75-5852 Alii Drive
Kailua-Kona, Hawai'i

Tuesday, September 25, 2001
9:00 a.m.

INVOCATION The Reverend Jason Meechan of Thy Word Ministries - Kona

CALL TO ORDER 9:20 a.m.

ROLL CALL All Present; Mr. Tyler chaired the meeting.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES August 29, 2001, **adopted with minor corrections.**

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

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

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

ORDER OF RESOLUTIONS

Res. 101-01: Accepts the dedication of Road "A" and Road "A" Extension of Hale Ke'eke'e, from Central Kona Land, LLC, Tax Map Key (3) 8-1-31:10, to the County of Hawai'i. (See Resolution 118-01)

Re: Comm. 274
Intr. by: Mr. Elarionoff
Filed: PWIRC-21

Res. 101-01 was filed; and PWIRC Report 21 was adopted
9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 107-01: Accepts the dedication of Road Lot B of Kaauhuhu Homesteads, (Draft 2) Kaauhuhu, North Kohala, from Albert Tebo; Mayedel Gay Hill; Dale Anthony Da Silva; Gerane Dell Mangin; and Lynda Lorette Larsen, Tax Map Keys (3)5-5-002:12 and 115, to the County of Hawai'i.;

Re: Comm. 288.1
Intr. by: Mr. Elarionoff
Approved: PWIRC-20
Deferred: September 12, 2001

Resolution 107-01, Draft 2, was adopted and PWIRC Report 20 adopted
8 AYES: Councilmembers Arakaki Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Yagong and Acting Chairman Tyler;
NOES: None.
1 ABSENT & EXCUSED: Councilmember Safarik.

and
Comm. 288.2 From Deputy Corporation Counsel Ivan M. Torigoe, dated September 14, 2001. (filed)

Res. 116-01: Authorizes the acceptance of \$6,954.71 from the Daniel R. Sayre Memorial Fund for use by the Waiakea and Kailua Rescue Stations.

Re: Comm. 317
Intr. by: Mr. Chung
Approved: FC-113

Res. 116-01 and FC Report 113 were adopted
9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 117-01: Creates a secretary position for the Fire Commission.

Re: Comm. 319
Intr. by: Mr. Chung
Filed: FC-114

Resolution 117-01 was filed, and FC Report 114 was adopted
9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 118-01: Accepts the dedication of Road "A" and Road "A" Extension of Hale Ke'eke'e with roadway and drainage improvements, including signs, markings and streetlights, from Central Kona Land, LLC, Tax Map Key (3) 8-1-31:10, to the County of Hawai'i.

Re: Comm. 274.2
Intr. by: Mr. Elarionoff
Approved: PWIRC-22

Res. 118-01 and PWIRC Report 22 were adopted
9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 119-01: Authorizes the acceptance of a donation of an adjustable portable basketball apparatus.
{Donated by the Piopio Bears Athletic Association for the Department of Parks and Recreation's Pi'ihonua Gym}

Re: Comm. 322
Intr. by: Mr. Chung
Approved: FC-116

Res. 119-01 and FC Report 116 were adopted

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 120-01: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a multi-year lease for two (2) postage meters.
{Office of the Corporation Counsel, Family Support Division}

Re: Comm. 325
Intr. by: Mr. Chung
Approved: FC-119

Res. 120-01 and FC Report 119 were adopted

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 121-01: Authorizes the acceptance of a donation of four (4) ping pong tables and accessories.
{Donated by the Big Island Table Tennis Association, to be distributed to Yano Hall, Hale Halawai, Hisaoka Gym, and the Waimea Community Center.}

Re: Comm. 326
Intr. by: Mr. Chung
Approved: FC-120

Res. 121-01 and FC Report 120 were adopted

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 122-01: Amends Salary Ordinance 01-59 to correct the annual salaries and delete the hourly rates for the County Bands, to increase the salary scale of the MH-4 and MH-5 class, and to increase the compensation for the Hawai'i County Band Director.

Re: Comm. 328
Intr. by: Mr. Chung
Approved: FC-121

Res. 122-01 and FC Report 121 were adopted

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 126-01: Directs the Director of Public Works to investigate and report on certain matters relating to the proposed refunding of indebtedness of Improvement District No. 17, Kaloko Subdivision, and authorizing certain other actions relating to such proposed refunding in accordance with Chapter 12, Article 5, Hawai'i County Code.

Re: C-342
Intr. by: Mr. Arakaki, B/R
Waived: FC

Res. 126-01 was adopted

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Res. 127-01: Condemns the brutal and deliberate acts of war against the United States of America and supports President Bush in his efforts to defend America, protect its citizens and respond decisively to those who perpetrated such acts.

Re: Comm. 343
Intr. by: Messrs. Tyler and Arakaki
Waived: FC

Res. 127-01 was amended to Draft 2 and adopted

8 AYES: Councilmembers Arakaki, Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
1 NO: Councilmember Jacobson.

BILLS FOR ORDINANCES (FIRST READING)

Bill 92: Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), relating to refuse disposal, to prohibit the commercial disposal at County solid waste facilities of refuse imported from outside the County of Hawai'i.

Re: Comm. 306
Intr. by: Mr. Yagong
Approved: PEMC-8

Bill 92 passed first reading; and PEMC Report 8 was adopted
9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Bill 95: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002. {Appropriates \$1,100,400 in the Federal Grants - Federal Transit Administration Account; and appropriates same to the Federal Transit Administration Account. }

Re: Comm. 321
Intr. by: Mr. Chung
Approved: FC-115

Bill 95 passed first reading; and FC Report 115 was adopted
9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Bill 96: Amends Ordinance 01-56, as amended, relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2001 to June 30, 2002. {Adds the following project: PARKS AND RECREATION: Volcano Park Multi-Purpose Playcourt by \$81,800; funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources }

Re: Comm. 323
Intr. by: Mr. Chung
Approved: FC-117

Bill 96 passed first reading; and FC Report 117 was adopted
8 AYES: Councilmembers Arakaki, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.
1 ABSENT & EXCUSED: Councilmember Chung

Bill 97: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
 {Appropriates \$3,951 to the following accounts: Retired and Senior Volunteer Program (RSVP) (\$3,600), and Senior Community Services Employee Program (\$351); and appropriates to the following accounts: R S V P - OCE (\$3,600), and Senior Community Services Employee Program - OCE (\$351)}

Re: Comm. 324
 Intr. by: Mr. Chung
 Approved: FC-118

Bill 97 passed first reading; and FC Report 118 was adopted

8 AYES: Councilmembers Arakaki, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
 NOES: None.

1 ABSENT & EXCUSED: Councilmember Chung

Bill 102: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
 {Appropriates \$327,600 to the Lava Viewing Fees Account; and appropriates same to the Lava Viewing Program Account}

Re: Comm. 339
 Intr. by: Mr. Chung, B/R
 Waived: FC

Bill 102 passed first reading

8 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, and Yagong;

1 NO: Acting Chairman Tyler.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 83: Amends Chapter 18, Article 4, Division 1, Section 18-92, of the Hawai'i County Code (1995) relating to Public Transportation, by amending Fare Schedule A.
 {Establishes bus fares between Keahole (Kona International Airport) and locations in North and South Kona.}

Re: Comm. 285
 Intr. by: Mr. Chung
 1st Reading: September 12, 2001;

Bill 83 passed second and final reading

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

and

Comm. 285.2 From Merle Martin, dated August 28, 2001. (filed)

Bill 87: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Stop intersections and yield locations - Kihalani Homestead Road, North Hilo.}

Re: Comm. 296
Intr. by: Mr. Elarionoff
1st Reading: September 12, 2001

Bill 87 passed second and final reading

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Bill 88:
(Draft 3) Amends Ordinance No. 87-110, which amended 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 Limited Industrial (ML-20) at Waiâkea, South Hilo, Hawai'i, covered by Tax Map Key: 2-2-37:27.
{William V. Brillhante, applicant.}

Re: Comm. 298.2
Intr. by: Ms. Leithead-Todd
1st Reading: September 12, 2001

Bill 88, Draft 3, passed second and final reading

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Bill 90: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Increases revenues in the Sex Assault Nurse Coord Account by \$2,904; and appropriates to the Sex Assault Nurse Coord Account.}

Re: Comm. 304
Intr. by: Mr. Chung
1st Reading: September 12, 2001

Bill 90 passed second and final reading

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Bill 91: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof, for the Fiscal Year July 1, 2001, to June 30, 2002.
{Adds the Public Works' Puainako Street Extension - Federal Project by \$410,000; funds for this project shall be provided from Federal Grants Receivable.}

Re: Comm. 305
Intr. by: Mr. Chung
1st Reading: September 12, 2001

Bill 91 passed second and final reading

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Bill 93: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Increases revenues in the Occupant Protection Program Account by \$28,718; and appropriates same to the Occupant Protection Program Account.}

Re: Comm. 313
Intr. by: Mr. Chung
1st Reading: September 12, 2001

Bill 93 passed second and final reading

9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
NOES: None.

Bill 94: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
 {Increases revenues in the Contribution from Private Source Account by \$1,000; and appropriates same to the Police Adm Div - OCE Account. }

Re: Comm. 314
 Intr. by: Mr. Chung
 1st Reading: September 12, 2001

Bill 94 passed second and final reading
 9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
 NOES: None.

REPORTS

FINANCIAL REPORT Monthly Financial Status Report from the Department of Finance for the month ended June 30, 2001.

Financial Report was approved
 9 AYES: Councilmembers Arakaki, Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Yagong and Acting Chairman Tyler;
 NOES: None.

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.)

OTHER BUSINESS

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

ANNOUNCEMENTS

WEDNESDAY, SEPTEMBER 26, 2001

PUBLIC WORKS & INTERGOVERN- MENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCILROOM
FINANCE COMMITTEE	10:00 a.m.	COUNCILROOM
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE	1:30 p.m.	COUNCILROOM

TUESDAY, OCTOBER 9, 2001

COMMITTEES	TBA	COUNCILROOM
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WEDNESDAY, OCTOBER 10, 2001

COUNCIL	9:00 a.m.	COUNCILROOM
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TUESDAY, OCTOBER 23, 2001

COMMITTEES	TBA	COUNCILROOM
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WEDNESDAY, OCTOBER 24, 2001

COUNCIL	9:00 a.m.	COUNCILROOM
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STATEMENTS FROM THE PUBLIC

ADJOURNMENT 12:14 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: Channel 52 (Hilo and Kona) Wednesday, October 3, 2001, at 6 p.m.; Sunday, October 7, 2001, at 10:30 a.m.; and Wednesday, October 10, 2001, at 6 p.m.