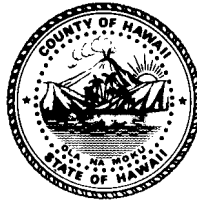


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

22nd Session

ORDER OF BUSINESS

Hawai'i County Council
Councilroom, 25 Aupuni Street, Hilo, Hawai'i

Wednesday, October 24, 2001, 9:00 a.m.

INVOCATION

The Reverend Pastor Richard Uejo
of the KMC Chapel & Heritage Fellowship - **present**

CALL TO ORDER

9:10 a.m.

ROLL CALL

All present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

September 12, 2001 - **approved, as amended**

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

Comm. 388: HSAC EXECUTIVE MEETING REPORT OF OCTOBER 8, 2001; HSAC 2002 LEGISLATIVE PROGRAM POLICY STATEMENT; AND HSAC 2002 LEGISLATIVE PACKAGE
From HSAC Vice President J. Curtis Tyler, III, dated October 11, 2001.

File Closed

(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. 128-01: Relating to the designation of enterprise zones (EZ) on the Big Island of Hawai'i. {Kona I, Kona II, Hilo-Puna, Hamakua, and Kohala Enterprise Zones }

Re: Comm. 345
Intr. by: Ms. Pisicchio
Approved: HSEDC-7

ADOPTED

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

NOES: None

Res. 130-01: Authorizes the grant of easement for a telecommunication conduit easement between Prince Jonah Kūhiō Kalaniana'ole Elementary and Intermediate Schools (TMK (3) 2-7-25:04 and 2-7-22:02) at Ka'āpoko, District of South Hilo, Island, County and State of Hawai'i, to State of Hawai'i, Department of Education.

Re: Comm. 351
Intr. by: Mr. Elarionoff
Approved: PWIRC-25
Deferred: October 10, 2001

ADOPTED

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

NOES: None

Res. 132-01: Authorizes the acceptance of a donation of \$1,690 to the Hawai'i County Fire Department Keauhou Fire Station.

Re: Comm. 355
Intr. by: Ms. Pisicchio
Approved: FC-133

ADOPTED

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

NOES: None

Res. 134-01: Authorizes the Director of Finance to negotiate a lease with the East Hawai'i Coalition for the Homeless, Inc., for the purpose of operating a shelter for homeless persons and families with terms to include a maximum duration of twenty (20) years at a set rental of \$1.00 per year.

Re: Comm. 372
Intr. by: Mr. Safarik
Approved: CHA - 9/26/01

ADOPTED

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

NOES: None

Res. 140-01: Authorizes the acceptance of a donation of portable steps for the Kawamoto Pool.

Re: Comm. 386

Intr. by: Mr. Chung

Waived: FC

ADOPTED

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

NOES: None

BILLS FOR ORDINANCES (FIRST READING)

Bill 108: Amends Ordinance 01-56, as amended, relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2001 to June 30, 2002. {Reappropriates the Lapsed 1992-1994 and 1998-2000 fuel tax district appropriations by \$1,748,506.82; establishes the following district appropriations: TEA Projects (\$943,011.10), Puna (\$360,603.33), South Hilo (\$259,143.72), North Kona (\$185,748.67); that funds for these projects shall be provided from the Fund Balance - Fuel Tax Increase Accounts of the Capital Projects Fund (1992-1994 - \$191,253.54; and 1998-2000 - \$1,557,253.28)}

Re: Comm. 357

Intr. by: Mr. Chung

Approved: FC-134

PASSED 1ST READING

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

NOES: None

Bill 109: Amends Chapter 2, Article 2, Section 2-7(a)(4) of the Hawai'i County Code 1983 (1995 Edition), by deleting reference to the Hawai'i Redevelopment Agency.

Re: Comm. 358

Intr. by: Ms. Leithead-Todd

Approved: PWIRC-27

PASSED 1ST READING

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

NOES: None

Bill 110: Amends Chapter 2, Article 2, Section 2-6 of the Hawai'i County Code 1983 (1995 Edition), by deleting reference to the Safety Coordinator.

Re: Comm. 359
Intr. by: Mr. Elarionoff
Approved: PWIRC-28

PASSED 1ST READING

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

NOES: None

Bill 111: Amends the Hawai'i County Code 1983 (1995 Edition) to replace reference to "Chief Engineer" with "Director of Public Works."

Re: Comm. 360
Intr. by: Mr. Elarionoff
Approved: PWIRC-29

PASSED 1ST READING

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

NOES: None

Bill 112: Amends Chapter 2, Article 5, of the Hawai'i County Code 1983 (1995 Edition), (Draft 2) relating to Administration by describing the appointment qualifications and duties of the Fire Chief, and adding a section relating to the Fire Commission.

Re: Comm. 361.1
Intr. by: Mr. Elarionoff
Approved: PWIRC-30

AMENDED TO DRAFT 3 &

PASSED 1ST READING

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

NOES: None

Bill 113: Amends Chapter 2, of the Hawai'i County Code 1983 (1995 Edition),
(Draft 2) relating to Administration by amending Section 2-41 and adding a new article relating to the Department of Environmental Management.

Re: Comm. 362
Intr. by: Mr. Yagong
Approved: PEMC-9

PASSED 1ST READING

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

NOES: None

Bill 117: 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 Federal Grants 2001 Housing Preservation Grants by \$50,000; and appropriates same to the 2001 Housing Preservation-Federal account. }

Re: Comm. 373
Intr. by: Mr. Safarik
Approved: CHA - 9/26/01

PASSED 1ST READING

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

NOES: None

Bill 118: 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 HOME Program Income Account by \$22,114.21; and appropriates same to the 2000 Tenant Based Rental Assistance account. }

Re: Comm. 374
Intr. by: Mr. Safarik
Approved: CHA - 9/26/01

PASSED 1ST READING

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

NOES: None

Bill 119: 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 Block Grant Program Income account by \$33,203.23; and credits to the Removal of Architechtrual Barriers accounts (\$33,169.56 and \$33.67).}

Re: Comm. 375
Intr. by: Mr. Safarik
Approved: CHA - 9/26/01

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 86: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating
(Draft 2) to Vehicles and Traffic.
{Lihiwai Street - proposed 10 mph speed limit and other amendments.}

Re: Comm. 295.1
Intr. by: Mr. Elarionoff
1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None

Bill 99: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Appropriates \$33,346 in the Federal Grants - Domestic Violence/Sex Crimes Database account; and appropriates same to the Domestic Violence/Sex Crimes Database account.}

Re: Comm. 335
Intr. by: Mr. Chung
1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisciocchio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None

Bill 100: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Appropriates \$23,320 in the State Grants - Statewide Program on Parking for Persons with Disabilities account; and appropriates same to the Statewide Program on Parking for Persons with Disabilities account.}

Re: Comm. 337
Intr. by: Mr. Chung
1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisciocchio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None

Bill 101: 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: PUBLIC WORKS: Hawaiian Paradise Park Volunteer Fire Station - Water Main, by \$61,195; funds for this project shall be provided from : General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$61,195).}

Re: Comm. 338
Intr. by: Mr. Chung
1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisciocchio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None

Bill 103: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Alii Drive: Parking for lifeguards at La'aloa Beach Park}

Re: Comm. 344
Intr. by: Mr. Elarionoff
1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

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

NOES: None

Bill 104: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Appropriates \$50,000 to the Federal Grants - Public Housing Drug Prevention Grant account; and appropriates same to the Public Housing Drug Prevention Grant account.}

Re: Comm. 346
Intr. by: Mr. Chung
1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

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

NOES: None

Bill 105: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Appropriates \$109,994 to the Local Law Enforcement Block Grant account and appropriates same to the Local Law Enforcement Block Grant account.}

Re: Comm. 347
Intr. by: Mr. Chung
1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

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

NOES: None

Bill 106: Amends Ordinance 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 Fund Balance from Prior Year - Designated account, County Housing Revolving Fund, by \$33,830.20; and appropriates to the following accounts: Mauna Kea Affordable Housing Revolving account (\$727.52); Colony Associates Housing (\$45.65); Kona Op Partnership Housing (\$34.35); Kona Scenic Lands Housing (\$21.86); Hualalai Properties (\$21.46); Hualalai Colony 2 (\$60.77); Kalaoa Vista Subdivision (\$11.45); Kula Ridge Subdivision Phase I (\$22.68); Kealoha Subdivision (\$528.62); Kukio Projects (\$3,207.07); Hawai'i Land Partnership (\$66.49); and Bayview Estates (\$29,082.28).}

Re: Comm. 348
 Intr. by: Mr. Chung, B/R
 1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

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

Bill 107: Amends Ordinance 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 Violence Against Women account by \$29,091; and appropriates same to the Violence Against Women account.}

Re: Comm. 349
 Intr. by: Mr. Chung
 1st Reading: October 10, 2001

PASSED 2ND & FINAL READING

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

REPORTS

FINANCIAL REPORT

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

APPROVED

FC Rept. 122: (C-341) Recommends the confirmation of Ms. Laura J. Ward to serve on the Hawai'i County Fire Commission.

APPROVED

FC Rept. 131: (C-356) Recommends the confirmation of Mr. Glenn S. Hara and Mr. Joel W. Nye to serve on the Hawai'i County Salary Commission.

APPROVED

FC Rept. 132: (C-363) Recommends the confirmation of Mr. Vicente Tolentino to serve on the Hawai'i County Fire Board of Appeals.

APPROVED

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. 189.2: EXECUTIVE SESSION - WILLIAM SILVA VS. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 97-622
 From Corporation Counsel Lincoln S. T. Ashida, dated October 3, 2001.

SPECIAL COUNSEL RECOMMENDATION: COUNCIL DOES NOT CONCUR
CORPORATION COUNSEL RECOMMENDATION: CONCUR W/RECOMMENDATION

Comm. 329:
DEFERRED

EXECUTIVE SESSION - MARJORIE B. BACHILLER, ET AL., VS.
COUNTY OF HAWAII, ET AL.; CIVIL NO. 00-1-0175
From Deputy Corporation Counsel Glenn H. Shiigi, dated August 30, 2001.

Deferred: September 12 & October 10, 2001

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, NOVEMBER 6, 2001</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, NOVEMBER 7, 2001</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, NOVEMBER 20, 2001</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, NOVEMBER 21, 2001</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT - 11:23 a.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 31, 2001, at 6 p.m.; Sunday, November 7, 2001, at 10:30 a.m.; and Wednesday, November 14 2001, at 6 p.m.