



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

## ORDER OF RESOLUTIONS

Res. 133-01: Authorizes the Director of Finance to negotiate a lease of real property at O'okala County Gym and park site to the Hamakua Diversified Agricultural Association, dba the O'okala Community Center and Plantation Marketplace.

Re: Comm. 369  
Intr. by: Mr. Chung  
Approved: FC-135

ADOPTED

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

NOES: None;

2 ABSENT & EXCUSED: Councilmembers Chung, Pisicchio.

Res. 135-01: Authorizes the acceptance of a donation of a wheelchair accessible, wall mounted water cooler for the Afook-Chinen Civic Auditorium.  
{Donation from the Big Island Interscholastic Federation.}

Re: Comm. 381  
Intr. by: Mr. Chung  
Approved: FC-136

ADOPTED

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

NOES: None.

Res. 136-01: Authorizes the acceptance of a donation of a minivan to the Elderly Activities Division's Coordinated Services Program.  
{Donation from the Estate of Mr. Jack C. Fuller.}

Re: Comm. 382  
Intr. by: Mr. Chung  
Approved: FC-137

ADOPTED

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

NOES: None.

Res. 137-01: Authorizes the acceptance of a monetary donation of \$3,000 to the Department of Parks & Recreation.  
{Elderly Activities Division - ballroom rental for the Hawai'i Kupuna Hula Festival; donation from Kuki'o Resorts.}

Re: Comm. 383  
Intr. by: Mr. Chung  
Approved: FC-138

ADOPTED

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

NOES: None.

Res. 138-01: Authorizes the acceptance of a donation of three (3) Lady Amherst Pheasants for the Pana'ewa Rainforest Zoo.  
{Donation from Mr. Tyler Peterson.}

Re: Comm. 384  
Intr. by: Mr. Chung  
Approved: FC-139

ADOPTED

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

NOES: None.

Res. 139-01: Authorizes the Director of Finance to negotiate a lease of real property adjacent to Onekahakaha Beach Park to the Ola Hou O Ke Kumu Niu.  
{For the purpose of a Hawaiian Cultural Center.}

Re: Comm. 385  
Intr. by: Mr. Chung  
Approved: FC-140

ADOPTED

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

NOES: None.

Res. 144-01: Proposes the adoption of the proposed plan for refunding of indebtedness of Improvement District No. 17, Kaloko Subdivision, and authorizes certain other actions in accordance with Chapter 12, Article 5, Hawai'i County Code.

Re: Comm. 409  
 Intr. by: Mr. Arakaki  
 Waived: FC

**AMENDED TO DRAFT 2 &  
 ADOPTED**

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

**NOES:** None.

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 114: Amends Section 25-8-11 (Lalamilo-Puukapu Zone Map), Article 8, Chapter 25  
 (Draft 3) (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-40a) to Agricultural (A-5a) at Puukapu, South Kohala, Hawai'i, covered by Tax Map Key 6-4-30:15.  
 {Robert J. & Annabelle M. Shallenberger, applicant}

Re: Comm. 367.2  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-40

**PASSED 1ST READING**

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

**1 NO:** Councilmember Jacobson.

Bill 115: 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, Waimea, South Kohala, Hawai'i, covered by Tax Map Key 6-2-05:18.  
 {Jacinth and Yvonne Deluz, applicant}

Re: Comm. 368  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-41

**PASSED 1ST READING**

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

**1 NO:** Councilmember Jacobson.

Bill 116: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8, (Draft 3) Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-3a) to Residential and Agricultural (RA-2a) at Ouli, Waimea, South Kohala, Hawai'i, covered by Tax Map Key 6-2-05:18. {Jacinth and Yvonne Deluz; applicant}

Re: Comm. 368.2  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-42

PASSED 1ST READING

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

1 NO: Councilmember Jacobson.

Bill 126: 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-Community, Facility Disaster Assistance account by \$747,500; and appropriates same to the following CFDA accounts: Transit Bus (\$97,500), Na'alehu Highways Building Renovation (\$150,000), Hawaiian Ocean View Estates Fire Truck (\$250,000) and Solid Waste Refuse Trucks (\$250,000).}

Re: Comm. 402  
 Intr. by: Mr. Safarik  
 Approved: CHA - 10/23/01

AMENDED TO DRAFT 2 & PASSED 1ST READING

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

NOES: None.

ORDER OF THE DAY (SECOND OR FINAL 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  
 1st Reading: October 24, 2001

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, 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  
1st Reading: October 24, 2001

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, 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  
1st Reading: October 24, 2001

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, 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  
1st Reading: October 24, 2001

PASSED 2ND & FINAL READING

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

NOES: None.

Bill 112: Amends Chapter 2, Article 5, of the Hawai'i County Code 1983 (1995 Edition), relating to Administration by describing the appointment qualifications and duties of the Fire Chief, and adding a section relating to the Fire Commission.  
(Draft 3)

Re: Comm. 361.2  
Intr. by: Mr. Elarionoff  
1st Reading: October 24, 2001

PASSED 2ND & FINAL READING

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

NOES: None.

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

Re: Comm. 362.1  
Intr. by: Mr. Yagong  
1st Reading: October 24, 2001

Comm. 362.2: From Dominic Yagong, dated October 29, 2001, transmitting Bill No. 113, Draft 3; and

Bill 113: Amends Chapter 2, of the Hawai'i County Code 1983 (1995 Edition), relating to  
(Draft 3) Administration by amending Section 2-41 and adding a new article relating to the Department of Environmental Management.

**DRAFT 3 PASSED 2ND & FINAL 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  
1st Reading: October 24, 2001

**PASSED 2ND & FINAL 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  
1st Reading: October 24, 2001

**PASSED 2ND & FINAL 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 Architectural Barriers accounts (\$33,169.56 and \$33.67).}

Re: Comm. 375  
 Intr. by: Mr. Safarik  
 1st Reading: October 24, 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  
 APPROVED

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

PC Rept. 43:  
 (C-378)  
APPROVED

Recommends the approval of the appointment of Mr. John Joseph Langenstein to serve on the Hawai'i County Board of Appeals.

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. 329: 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 & 24, 2001

HELD OVER DUE TO TIE VOTE

Comm. 408: EXECUTIVE SESSION - CLAIM OF DEBRA ESTRADA  
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 26, 2001.

CONCURS WITH 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

	<u>TUESDAY, NOVEMBER 20, 2001</u>	
PUBLIC WORKS & INTERGOVERNMENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCILROOM
FINANCE COMMITTEE	10:00 a.m.	COUNCILROOM
PARKS & ENVIRON- MENTAL RELATIONS COMMITTEE	1:00 p.m.	COUNCILROOM
PLANNING COMMITTEE	2:00 p.m.	COUNCILROOM
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE	3:00 p.m.	COUNCILROOM
	<u>WEDNESDAY, NOVEMBER 21, 2001</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, DECEMBER 4, 2001</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, DECEMBER 5, 2001</u>	
COUNCIL	9:00 a.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4

## STATEMENTS FROM THE PUBLIC

ADJOURNMENT            11:51 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, November 14, 2001, at 6 p.m.; Sunday, November 18, 2001, at 10:30 a.m.; and Wednesday, November 21, at 6 p.m.