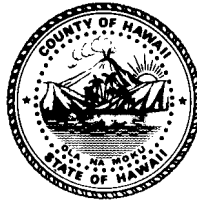


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

24th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, November 21, 2001
9:00 a.m.

INVOCATION	The Reverend Tim Carigon of the Hilo Missionary
CALL TO ORDER	9:03 a.m.
ROLL CALL	All present
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	September 25, 2001 (deferred November 7, 2001), October 10, 2001, and October 24, 2001 - approved, as amended
PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE	
Comm. 417:	<u>2002 HSAC LEGISLATIVE PACKAGE</u> From Councilmember Elarionoff, dated November 7, 2001, requesting approval of the proposals for the 2002 Hawai'i State Association of Counties Legislative package.
<u>APPROVED</u>	Intr. by: Mr. Elarionoff Waived: PWIRC

(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. 141-01: Accepts the dedication of a 5-foot future road widening section with road and drainage improvements from First Hawaiian Bank, trustee of the William V. Brilhante self-directed IRA under agreement dated February 16, 1995, situate at Waiâkea, district of South Hilo, County and State of Hawai'i, Tax Map Key (3)2-2-035:091 (por.), to the County of Hawai'i;

Re: Comm. 403
Intr. by: Mr. Elarionoff
Approved: PWIRC-31

and

AMENDED TO DRAFT 2 & ADOPTED

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

Comm. 403.1: From Deputy Corporation Counsel Ivan Torigoe, dated November 7, 2001.
FILED

Res. 142-01: Accepts the dedication of 10-foot road widening parcels with roadway and drainage improvements from H. Shiroma, Inc., situate at Waiâkea, district of South Hilo, County and State of Hawai'i, Tax Map Keys (3)2-2-39: portions of 66, 67, 68 and 69, to the County of Hawai'i;

Re: Comm. 404
Intr. by: Mr. Elarionoff
Approved: PWIRC-32

and

ADOPTED

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

Comm. 404.1: From Deputy Corporation Counsel Ivan Torigoe, dated November 8, 2001.
FILED

Res. 143-01: Creates a Deputy Prosecuting Attorney (temporary) position, an Investigator V (temporary) position, and a Legal Clerk III (temporary) position for the Office of the Prosecuting Attorney.
{Funding for Community Oriented Prosecution (COP) in West Hawai'i. }

Re: Comm. 406
Intr. by: Mr. Chung (B/R)
Adopted: FC-145

ADOPTED

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 122: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{15 mile per hour speed limit, one-way traffic pattern, and no parking zones - Honaunau Beach Road. }

Re: Comm. 397
Intr. by: Mr. Elarionoff
Approved: PWIRC-33

PASSED 1ST READING

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

Bill 123: 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 following PUBLIC WORKS projects: Ali'i Drive road improvement - Federal (\$320,000), and Ali'i Drive Road Improvement - County (\$80,000); funds to be provided from Federal Grants Receivable (\$320,000) and Beautification Fund (\$80,000). }

Re: Comm. 398
Intr. by: Mr. Tyler
Approved: FC-141

PASSED 1ST READING

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

Bill 124: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
 {Appropriates revenues in the Fund Balance from Prior Year, Beautification Fund account (\$80,000), and appropriates same to the Transfer to Capital Project fund, Beautification Fund account (\$80,000).}

Re: Comm. 398
 Intr. by: Mr. Tyler
 Approved: FC-142

PASSED 1ST READING

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

Bill 125: 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 PARKS & RECREATION: Laaloa Bay Beach Park Improvements (\$150,000); funds to be provided by General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources.}

Re: Comm. 401
 Intr. by: ~~Mr. Chung~~ Ms. Pisci chio
 Approved: FC-143

PASSED 1ST READING

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

Bill 127: Amends Chapter 12, Article 5 of the Hawai'i County Code (1995 Edition) relating to refunding of the outstanding indebtedness of improvement districts.
 {Brings the Hawai'i County Code in compliance with the County Charter by requiring two readings to promulgate a refunding measure.}

Re: Comm. 405
 Intr. by: Mr. Arakaki
 Approved: FC-144

PASSED 1ST READING

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

Bill 128: Amends Ordinance 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Appropriates revenues of \$200,000 in the Federal Grants, Civil Defense Hazards Mitigation Plan account; and appropriates same to the Civil Defense Hazards Mitigation Plan account.}

Re: Comm. 407
Intr. by: Mr. Chung
Approved: FC-146

PASSED 1ST READING

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

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 114: Amends Section 25-8-11 (Lalamilo-Pu'ukapu 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 Pu'ukapu, 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
1st Reading: November 7, 2001

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Picicchio, 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
1st Reading: November 7, 2001

PASSED 2ND & FINAL READING

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

Bill 116: Amends Section 25-8-7 (North and South Kohala Districts Zone Map),
(Draft 3) Article 8, 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 'Ōuli, 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
1st Reading: November 7, 2001

PASSED 2ND & FINAL 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
(Draft 2) County of Hawai'i for the fiscal year ending June 30, 2002.
{Increases revenues in the Federal Grants-2001-Community Facility Disaster Assistance (CFDA) 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 Trailer (\$250,000).}

Re: Comm. 402.1
Intr. by: Mr. Safarik
1st Reading: November 7, 2001

PASSED 2ND & FINAL READING

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

REPORTS

HSEDC Rept. 8: The Committee on Human Services and Economic Development recommends
(C-376) closing file on Communication Nos. 376, 376.1, 376.2, relating to the
APPROVED Independent Evaluation of the Animal Control Program of the County of
Hawai'i.

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. 144.4: EXECUTIVE SESSION - UPW L. 646 VS. COUNTY OF HAWAI'I, ET. AL.
CIVIL NO. 98-244
From Corporation Counsel Lincoln Ashida, dated November 7, 2001.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 329.1: 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: November 7, 2001

CONCUR W/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

COMMITTEES	<u>TUESDAY, DECEMBER 4, 2001</u> TBA	COUNCILROOM
COUNCIL	<u>WEDNESDAY, DECEMBER 5, 2001</u> 9:00 a.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
COUNCIL	<u>WEDNESDAY, DECEMBER 19, 2001</u> TBA	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT - 11:09 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, November 28, 2001, at 6 p.m.; Sunday, December 2, 2001, at 10:30 a.m.; and Wednesday, December 5, 2001, at 6 p.m.

