

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*

### 28th Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Thursday, January 24, 2002  
9:00 a.m.

INVOCATION                      Pastor Paul McIlroy of the Kea'au Bible Church

CALL TO ORDER                      **9:07 a.m.**

ROLL CALL                              **All present, except for Mr. Chung, who arrived at 1:36 p.m.**

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES              December 5, 2001 - **deferred**

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

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

Comm. 492: APPOINTMENTS - HAWAI'I COUNTY COST OF GOVERNMENT  
COMMISSION

From Mayor Harry Kim, dated January 15, 2002, submits for confirmation, the following individuals to the Hawai'i County Cost of Government Commission: Michael D. Barton (Council District 1); Francis I. Pacheco (Council District 2); Dennis M. Maedo (Council District 3); Rose Marie I. Baclig (Council District 4); Denyse L. Temple (Council District 5); Lloyd Van De Car (Council District 6); Dennis M. Ide (Council District 7); Joel Gimpel (Council District 8); and J. Jay West (Council District 9).

Intr. by: Mr. Chung  
Waived: FC

APPROVED

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

ORDER OF RESOLUTIONS

Res. 153-01: Disposes of a house located at Ahalanui Park to Ho'oulu Lâhui, Inc., a Hawai'i nonprofit corporation.  
{The Ahalanui Park Master Plan to develop this park calls for the removal of an existing house. Removal and relocation costs of \$15,000 will be provided from funds received from the Federal Emergency Management Act (FEMA).}

Re: Comm. 446  
Intr. by: Mr. Chung  
Approved: FC-167

AMENDED TO DRAFT 2 & ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 154-01: Transfers/appropriates an appropriation out and from the designated fund account(s) and credits same to a designated fund account(s).  
{Appropriates revenues of \$16,625.83 from the Clerk-Council Services, Other Current Expenses-Miscellaneous Contract Services account; and credits same to the Clerk-Council Legislative External Audit account.}

Re: Comm. 447  
Intr. by: Mr. Chung  
Waived: FC

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 155-01: Opposes the United States of America's Department of the Navy's proposed deployment of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar.  
(Draft 2)  
{Opposes SURTASS LFA Program unless and until scientific evidence clearly and independently establishes that no harmful effects on marine environment and life will result from this program; requests that the National Marine Fisheries Service reject the United States of America Department of the Navy's application for a Letter of Authorization to deploy the SURTASS LFA sonar; and requests that the National Marine Fisheries Service conduct public hearings in East and West Hawai'i on the application for the proposed deployment of the sonar program.}

Re: Comm. 449.40  
Intr. by: Ms. Jacobson  
Approved: PWIRC-37

and

AMENDED TO DRAFT 3 & ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong.

Comm. 449.39: From Jay R. Murray, dated January 9, 2002;  
and

FILED

Comm. 449.40: From Councilmember Julie Jacobson, dated January 11, 2002;  
and

FILED

Comm. 449.41: From Marjorie Ann Erway, dated January 14, 2002.

FILED

Res. 156-01: Authorizes the acceptance of a donation of a portable volleyball standard for the Afook-Chinen Civic Auditorium.  
{Department of Parks and Recreation - donation provided from the Big Island Interscholastic Federation.}

Re: Comm. 454  
Intr. by: Mr. Chung  
Approved: FC-169

ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong.

Res. 157-01: Authorizes the acceptance of a donation of one male steer for the Pana'ewa Rainforest Zoo.  
{Department of Parks and Recreation - donation provided from Friends of the Zoo.}

Re: Comm. 455  
Intr. by: Mr. Chung  
Approved: FC-170

ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong.

Res. 158-01: Authorizes the acceptance of a donation of Tatami mats for the Waiakea Recreation Center.  
{Department of Parks and Recreation - donation provided from the Shudokan Judo Club.}

Re: Comm. 456  
Intr. by: Mr. Chung  
Approved: FC-171

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 159-01: Authorizes the acceptance of a donation of three (3) personal computers to the Hawai'i County Fire Department.  
{Donation provided from Mr. Jarrett M. Ozeki.}

Re: Comm. 457  
Intr. by: Mr. Chung  
Approved: FC-172

ADOPTED

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Safarik, Tyler, Yagong and Chairman Arakaki  
NOES: None  
1 ABSENT & EXCUSED: Councilmember Picicchio.

Res. 160-02: Supports continuing good faith negotiations between the Hale Anuenue Administration and representatives of ILWU Local 142 to resolve remaining issues in their contract negotiations.

Re: Comm. 453  
Intr. by: Ms. Leithead-Todd  
Approved: HSEDC-9

ADOPTED

7 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Picicchio, Safarik, Yagong and Chairman Arakaki  
1 NO: Councilmember Tyler  
1 ABSENT & EXCUSED: Councilmember Chung.

Res. 161-02: Authorizes the Sale/Transfer or Exchange of the former Hamakua Sugar Company, Inc., lands now under County ownership or, in the interim, for short-term leases for agricultural purposes.

Re: Comm. 466  
Intr. by: Mr. Yagong  
Approved: FC-173

AMENDED TO DRAFT 2 & ADOPTED

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Picicchio, Safarik, Tyler, Yagong and Chairman Arakaki  
NOES: None  
1 ABSENT & EXCUSED: Councilmember Chung.

Res. 162-02: Authorizes the acceptance of a monetary donation of \$78 to the Department of Parks and Recreation.  
{Donation to be used for enhancement of recreational programs at Andrews Gym; provided from Mr. Wayne Yamada.}

Re: Comm. 467  
Intr. by: Mr. Chung  
Approved: FC-174

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 169-02: Encourages community kokua and donations to support the participation of Bruddah Kuz in the 8th Annual Arizona Aloha Festival.

Re: Comm. 488  
Intr. by: Mr. Safarik  
Waived: HSEDC

AMENDED TO DRAFT 3 & ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 170-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a multi-year cost sharing agreement for a Department of Army Feasibility Study for the Keopu-Hienaloli Streams Flood Control Project.

Re: Comm. 489  
Intr. by: Mr. Chung  
Waived: FC

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Res. 171-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a multi-year cost sharing agreement for a Department of Army Feasibility Study for the Palai Stream Flood Control Project.

Re: Comm. 490  
 Intr. by: Mr. Chung  
 Waived: FC

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

BILLS FOR ORDINANCES (FIRST READING)

Bill 144: 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 of \$1,690 in the Contribution from Private Source account; and appropriates same to the Fire Protection account. }

Re: Comm. 355.1  
 Intr. by: Mr. Chung  
 Approved: FC-163

PASSED 1ST READING

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung.

Bill 145: 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 PARKS AND RECREATION Ho'okena Beach Park Improvements (\$125,000); funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources. }

Re: Comm. 436  
 Intr. by: Mr. Chung  
 Approved: FC-164

PASSED 1ST READING

7 AYES: Councilmembers Elarionoff, Jacobson, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Leithead-Todd.

Bill 146: 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 PARKS AND RECREATION Miloli'i Beach Park Improvements (\$66,846); funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources.}

Re: Comm. 437  
Intr. by: Mr. Chung  
Approved: FC-165

**PASSED 1ST READING**

**7 AYES:** Councilmembers Elarionoff, Jacobson, Picicchio, Safarik, Tyler, Yagong and Chairman Arakaki

**NOES:** None

**2 ABSENT & EXCUSED:** Councilmembers Chung and Leithead-Todd.

Bill 147: 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 PARKS AND RECREATION Waimea Senior Center Renovations (\$16,055); funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources.}

Re: Comm. 438  
Intr. by: Mr. Chung  
Approved: FC-166

**PASSED 1ST READING**

**7 AYES:** Councilmembers Elarionoff, Jacobson, Picicchio, Safarik, Tyler, Yagong and Chairman Arakaki

**NOES:** None

**2 ABSENT & EXCUSED:** Councilmembers Chung and Leithead-Todd.

Bill 148: 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 Onomea Camp Road Bridge Replacement - Federal (\$100,000); funds for this project shall be provided from Federal Grants Receivable.}

Re: Comm. 451  
Intr. by: Mr. Yagong  
Approved: FC-168

**PASSED 1ST READING**

**7 AYES:** Councilmembers Elarionoff, Jacobson, Picicchio, Safarik, Tyler, Yagong and Chairman Arakaki

**NOES:** None

**2 ABSENT & EXCUSED:** Councilmembers Chung and Leithead-Todd.

Bill 149: Amends Ordinance No. 98-87, which amended Ordinance No. 90-008, and which reclassified lands from Agricultural (A-20a) to Agricultural (A-3a) at Kahua 1st, North Kohala, Hawai'i, covered by Tax Map Key 5-9-07:7.  
{Elwin F. Hussey, applicant.}

Re: Comm. 452  
Intr. by: Ms. Leithead-Todd  
Approved: PC-54

**PASSED 1ST READING**

7 AYES: Councilmembers Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki  
1 NO: Councilmember Jacobson  
1 ABSENT & EXCUSED: Councilmember Chung.

Bill 162: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.  
{Appropriates revenues of \$66,875 in the Fund Balance from Prior Year, Cemetery account; and appropriates same to the Alae Cemetery Improvement - Other Current Expenses, Cemetery account.}

Re: Comm. 487  
Intr. by: Mr. Chung (B/R)  
Waived: FC

**PASSED 1ST READING**

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler and Yagong  
NOES: None  
1 ABSENT & EXCUSED: Chairman Arakaki.

**ORDER OF THE DAY (SECOND OR FINAL READING)**

Bill 139: Amends 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 (Draft 5) Agricultural (A-1a) to Single Family Residential (RS-10) at Kukuau 2nd, South Hilo, Hawai'i, covered by Tax Map Key 2-3-50:71.  
{John K. Uohara, M.D., applicant.}

Re: Comm. 428.6  
Intr. by: Ms. Leithead-Todd  
1st Reading: January 9, 2002

**PASSED 2ND & FINAL READING**

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

## REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the month ended December 31, 2001.

APPROVED

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

NOES: None.

FC Rept. 161: (C-443) Recommends the confirmation of the re-appointment of Ms. Natalie Flattes to the Hawai'i County Fire Commission.

APPROVED

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

NOES: None.

FC Rept. 162: (C-461) Recommends the confirmation of the re-appointment of Mr. Kelly Y. Kurakazu and the confirmation of Mr. George Gauthier to the Hawai'i County Liquor Commission.

APPROVED

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

NOES: None.

PC Rept. 51: (C-460) Recommends the approval of the appointment of Mr. Fred Galdones to the Hawai'i County Planning Commission.

APPROVED

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

NOES: None.

PC Rept. 52: (C-463) Recommends the approval of the appointment of Mr. Anson Chong to the Hawai'i County Board of Appeals.

APPROVED

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

NOES: None.

PC Rept. 53: Recommends the approval of the appointment of Mr. Ivan Mochida to the Hawai'i  
(C-464) County Water Board.

APPROVED

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

NOES: None.

PEMC Recommends the approval of the re-appointment of Mr. Samuel Kawamura to the  
Rept. 10: Hawai'i County Environmental Management Commission.  
(C-444)

APPROVED

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

NOES: None.

PWIRC Recommends the approval of the re-appointment of Mr. Peter S. Hoffman to the  
Rept. 36: Hawai'i County Transportation Commission.  
(C-459)

APPROVED

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

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.)

Comm. 491: EXECUTIVE SESSION - NANCY MAKANUI VS. JUERGEN L. CANDA, ET AL.  
CIVIL NO. CV0-1-00204-ACK/KSC

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From Deputy Corporation Counsel Glenn H. Shiigi, dated January 15, 2002.

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**

	<u>TUESDAY, FEBRUARY 5, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, FEBRUARY 6, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>WEDNESDAY, FEBRUARY 20, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>THURSDAY, FEBRUARY 21, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

**STATEMENTS FROM THE PUBLIC**

**ADJOURNMENT**      **4:03 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, January 30, 2002, at 6 p.m.; Sunday, February 3, 2002, at 10:30 a.m.; and Wednesday, February 6, 2002, at 6 p.m.