

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

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

ORDER OF RESOLUTIONS

Res. 172-02: Authorizes the Corporation Counsel, and his authorized representatives, to enter into agreements with the individually named defendants, who are employees of the County of Hawai'i, to represent them in the civil action entitled Nancy Makanui vs. Juergen L. Canda, et al., Civil No. 01-1-0094 and Nancy Makanui vs. Juergen L. Canda, et al., Civil No. 01-00204 ACK/KSC.

Re: Comm. 510
Intr. by: Mr. Chung
Waived: FC

ADOPTED

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

Res. 173-02: Recognizes March as National Women's History Month.

Re: Comm. 513
Intr. by: Mr. Arakaki and Ms. Leithead-Todd
Waived: HSEDC

ADOPTED

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 225: Amends Chapter 22, of the Hawai'i County Code 1983 (1995 Edition), relating to
 (Draft 4) Streets and Sidewalks.
 (2000) {The purpose of this bill is to make significant changes to Chapter 22, which relates to streets and sidewalks. The bill would repeal the chapter and replace it in a restructured and reordered format. Major areas addressed by the bill include: generally prohibiting using county streets for profit or private uses; modified permit requirements; modernized technical requirements; and ADA compliance. Significant changes have been proposed relating to: prohibitions of signs and advertising material within county streets; required numbers for houses and businesses; new driveway requirements for commercial and industrial use; assignment of permitted responsibilities; maintenance responsibility of property owners for driveway approaches and sidewalk damage; and variances, penalties and enforcement. The draft before the Council was amended by committee to include a number of changes as outlined in PWIRC Report 34.};

Re: Comm. 370.6
 Intr. by: Mr. Elarionoff
 Approved: PWIRC-34
 Deferred: December 19, 2001

and
 Comm. 370.10: From Public Works and Intergovernmental Relations Committee
 Chair Leningrad Elarionoff, dated February 11, 2002, transmitting Bill 225, Draft 5, that incorporates several Councilmembers' suggestions; and

Bill 225: Amends Chapter 22, of the Hawai'i County Code 1983 (1995 Edition), relating to
 (Draft 5) Streets and Sidewalks.
 {Draft 5 of this bill makes numerous changes to Draft 4 as noted on table entitled "Amendments". Most of the changes correct drafting errors or modify language to conform to previous changes.}

AMENDED TO DRAFT 6 & PASSED 1ST READING

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

Bill 154: Amends Section 25-8-3 (North Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Neighborhood Commercial (CN-10) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:Portions of 32 and 33. {David S. DeLuz, Sr., Enterprises Profit Sharing Plan; applicant.};

Re: Comm. 478
 Intr. by: Ms. Leithead-Todd (B/R)
 Approved: PC-58
 Deferred: February 6, 2002

and

Comm. 478.1: From Planning Committee Chair Bobby Jean Leithead-Todd, dated February 13, 2002, transmitting Bill 154, Draft 2; and

Bill 154: Amends Section 25-8-3 (North Kona District Zone Map), Article 8, Chapter 25
 (Draft 2) (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Neighborhood Commercial (CN-10) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:Portions of 32 and 33. (Amends Condition L to include language which clearly identifies a portion of the subject property as the site for the Kalaoa regional fire and police substation.) {David S. DeLuz, Sr., Enterprises Profit Sharing Plan; applicant.}

PASSED 1ST READING

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

NOES: None

Bill 164: 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 \$792 in the Federal Grants – Hawai'i County Police Department (HCPD) Pedestrian Safety account; and appropriates same to the HCPD Pedestrian Safety account.}

Re: Comm. 494
 Intr. by: Mr. Chung
 Approved: FC-183

PASSED 1ST READING

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

NOES: None

Bill 165: 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 \$375 in the Federal Grants – Speed Enforcement account; and appropriates same to the Speed Enforcement account.}

Re: Comm. 495
Intr. by: Mr. Chung
Approved: FC-184

PASSED 1ST READING

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

Bill 166: 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 \$24,000 in the Federal Grants – Alcohol Reconstructionist account; and appropriates same to the Alcohol Reconstructionist account.}

Re: Comm. 496
Intr. by: Mr. Chung
Approved: FC-185

PASSED 1ST READING

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

Bill 167: 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 \$37,618 in the Federal Grants – Hawai'i County Police Department (HCPD) In-Car Video Equipment account; and appropriates same to the HCPD In-Car Video Equipment account.}

Re: Comm. 497
Intr. by: Mr. Chung (B/R)
Approved: FC-186

PASSED 1ST READING

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

Bill 168: 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 Ahalanui/Pohoiki Bay Park Improvements Project (\$1,071,235); funds to be provided by General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$1,071,235).}

Re: Comm. 502
Intr. by: Mr. Safarik
Approved: FC-187

PASSED 1ST READING

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

Bill 171: Amends Ordinance No. 01-116, which amended 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 'Ōuli, Waimea, South Kohala, Hawai'i, covered by Tax Map Key 6-2-05:18.
{Jacinth and Yvonne Deluz; applicant.}

Re: Comm. 368.3
Intr. by: Ms. Leithead-Todd
Waived: PC

PASSED 1ST READING

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

Bill 172: Amends Ordinance No. 02 2, which amended 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 'Ōuli, Waimea, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:15.
{Henry Clinton and Sandie H. Williams; applicant.}

Re: Comm. 412.3
Intr. by: Ms. Leithead-Todd
Waived: PC

PASSED 1ST READING

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

ORDER OF THE DAY (SECOND OR FINAL READING)

(NOTE: There is a pending motion by Ms. Leithead-Todd and duly seconded by Mr. Yagong to amend Bill 195, Draft 4, with proposed Bill 195, Draft 5.)

Bill 195: Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from (Draft 4) Agricultural (A-20a) to Industrial-Commercial Mixed Use (MCX-20) at Kea'au, (2001) Puna, Hawai'i, covered by Tax Map Key 1-06-03:Portion of 7; {W.H. Shipman, Ltd., applicant};

Re: Comm. 27.17
 Intr. by: Ms. Leithead-Todd
 1st Reading: February 22, 2001
 Deferred: March 9, 2001; October 10, 2001; February 6, 2002

and
 Comm. 27.56: From Planning Committee Chair Bobby Jean Leithead-Todd, dated January 23, 2002, transmitting Bill 195, Draft 5; and

Bill 195: Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Draft 5) (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-20a) to Industrial-Commercial Mixed Use (MCX-20) at Kea'au, Puna, Hawai'i, covered by Tax Map Key 1-06-03:Portion of 7; {W.H. Shipman, Ltd., applicant; The amendments from Draft 4 to Draft 5 are as follows: 1) Condition E. Deletes the last sentence "Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties."; 2) Condition F. Inserts language to establish goals for the overall master design guideline plan, and to establish a minimum fifty-foot setback from the Volcano Highway to the buildings; 3) Condition G. Inserts language to establish and achieve the goals for the landscaping master plan; 4) Condition M. States Connector Road 2 shall be completed within one year instead of two years of final subdivision approval for any portion of Phase I; and 5) Condition N. Deletes the existing language that specifies Connector Roads 1 and/or 2 be constructed at the County's expense, if the County determines it should be built ahead of schedule. Inserts language allowing Connector Road 2 to be constructed by the applicant prior to the development schedule, if the County Department of Public Works determines that the Road A/Volcano Highway/Kea'au Bypass intersection is being adversely impacted.};

and

- Comm. 27.18: From Erik Birkholm, Aina Hawai'i Realty, dated February 22, 2001; and
Comm. 27.53: From Vice Chair J. Curtis Tyler, III, dated May 17, 2001, transmitting a memorandum from Deputy Corporation Counsel Pat O'Toole; and
Comm. 27.54: From Public Works Director Dennis K. W. Lee, P.E., dated September 27, 2001; and
Comm. 27.55: From Laura Brezinsky, dated October 10, 2001.

AMENDED TO DRAFT 6 & PASSED 2ND & FINAL READING

6 AYES: Councilmembers Elarionoff, Leithead-Todd, Safarik, Tyler, Yagong and
Chairman Arakaki

3 NOES: Councilmembers Chung, Jacobson and Picicchio

- Bill 150: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and
(Draft 2) Financing thereof for the fiscal year July 1, 2001, to June 30, 2002.
{Adds the ENVIRONMENTAL MANAGEMENT Pahoehoe Sewage Pump Station –
State Revolving Fund (\$231,402.27); funds for this project shall be provided from
Fund Balance – State Revolving Fund.}

Re: Comm. 472.1

Intr. by: Mr. Chung

1st Reading: February 6, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Picicchio, Safarik, Tyler, Yagong
and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Leithead-Todd

Bill 152: Amends Ordinance No. 96-117, which amended Section 25-95A (North and South Kohala Districts Zone Map) and Section 25-95E (Lalamilo-Puukapu Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawai'i County Code, and Ordinance No. 92-65 by changing the district classification from Agricultural (A-40a) and (A-3a); Single Family Residential (RS-7.5), (RS-10), (RS-15) and (RS-20); Double Family Residential (RD-5); Multiple Family Residential (RM-2) and (RM-3); Village Commercial (CV-7.5); and Limited Industrial (ML-20) to Agricultural (A-40a), Residential and Agricultural (RA-1a), Single Family Residential (RS-7.5) and (RS-10); Multiple Family Residential (RM-5.0); Village Commercial (CV-7.5); and Limited Industrial (ML-20) at 'Ouli, Lanikepu, Lalamilo, Waikoloa and Puukapu, Waimea, South Kohala, Hawai'i, covered by Tax Map Key 6-2-01:9; 6-7-01:Portion of 25; 6-7-02:9, 48, and Portion of 17; and 6-8-01:Portions of 1 and 8. {County of Hawai'i Department of Parks and Recreation, applicant; amends Condition G to provide flexibility in determining the location of the park and recreational purposes outside of the geographical area covered by ordinance.};

Re: Comm. 477.1
 Intr. by: Ms. Leithead-Todd
 1st Reading: February 6, 2002

and
 Comm. 477.2: From Planning Committee Chair Bobby Jean Leithead-Todd, dated February 12, 2002.

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

Bill 153: Amends the State Land Use Boundaries Map, H-7 for the County of Hawai'i, by changing the district classification from the Agricultural to the Urban District at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:Portions of 32 and 33. {David S. DeLuz, Sr., Enterprises Profit Sharing Plan; applicant.}

Re: Comm. 478
 Intr. by: Ms. Leithead-Todd (B/R)
 1st Reading: February 6, 2002

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

Bill 155: 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 'Ōuli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:8.
{Phil Delmer, applicant.}

Re: Comm. 479
Intr. by: Ms. Leithead-Todd (B/R)
1st Reading: February 6, 2002

PASSED 2ND & FINAL READING

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

Bill 156: Amends Section 25-8-7 (North and South Kohala District Zone Map), Article 8,
(Draft 2) Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district
classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at
'Ōuli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:8.
{Phil Delmer, applicant.}

Re: Comm. 479.1
Intr. by: Ms. Leithead-Todd
1st Reading: February 6, 2002

PASSED 2ND & FINAL READING

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

Bill 161: 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 Kawaiilani Street Bridge Replacement Project – Federal
(\$640,000) and State (\$500,000); funds for this project shall be provided from Federal
Grants Receivable (\$640,000) and State Grants Receivable (\$500,000).}

Re: Comm. 483
Intr. by: Mr. Arakaki
1st Reading: February 6, 2002

PASSED 2ND & FINAL READING

7 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler, Yagong
and Chairman Arakaki
NONE: None
2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

Bill 169: 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 \$1,000,000 in the Housing Assistance Payments, Housing account; and appropriates same to the Housing Subsidies, Housing account.}

Re: Comm. 505
Intr. by: Mr. Safarik
1st Reading: February 6, 2002

PASSED 2ND & FINAL READING

7 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler, Yagong and Chairman Arakaki
NONE: None
2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

REPORTS

FC Rept. 181: Recommends the confirmation of Mr. James U. C. Low to the Hawai'i County Tax
(C-500) Board of Review.

APPROVED

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

PC Rept. 62: Recommends the approval of the appointment of Mr. George D. Curtis to the Hawai'i
(C-503) County Board of Appeals.

APPROVED

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

PWIRC Recommends the inclusion of House Bill 1256 in the Hawai'i State Association of
Rept. 39: Counties (HSAC) 2002 Legislative Package; and
(C-501)

Comm. 501.1 From HSAC Vice President J. Curtis Tyler, III, dated February 13, 2002.

APPROVED

5 AYES: Councilmembers Jacobson, Leithead-Todd, Pisicchio, Tyler and Yagong
3 NOES: Councilmembers Elarionoff, Safarik and Chairman Arakaki
1 ABSENT & EXCUSED: Councilmember Chung

FC Rept. 182: Recommends the acceptance of the post-audit Financial Report of the County of
(C-462) Hawai'i for the Fiscal Year ended June 30, 2001, and Management Letter dated
October 26, 2001, as prepared by KPMG LLP.

APPROVED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

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. 516: EXECUTIVE SESSION – HELCO CLAIM
From Deputy Corporation Counsel Michael S. Kagami, dated February 13, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL ON THE CONDITION THAT ANY FINANCIAL OBLIGATIONS BE COVERED BY THE RELEVANT DEPARTMENT

Comm. 517: EXECUTIVE SESSION – COUNTY EMPLOYEE REQUEST FOR COUNSEL
From Deputy Corporation Counsel Michael S. Kagami, dated February 13, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL TO DEFER

OTHER BUSINESS

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

ANNOUNCEMENTS

COMMITTEES	<u>THURSDAY, MARCH 7, 2002</u> TBA	COUNCILROOM
COUNCIL	<u>FRIDAY, MARCH 8, 2002</u> 9:00 a.m.	COUNCILROOM
SPECIAL FINANCE COMMITTEE (DEPARTMENTAL REVIEWS OF BUDGETS)	<u>THURSDAY, MARCH 14, 2002</u> 9:00 a.m.	COUNCILROOM
SPECIAL FINANCE COMMITTEE (DEPARTMENTAL REVIEWS OF BUDGETS)	<u>FRIDAY, MARCH 15, 2002</u> 9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 2:07 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, February 27, 2002, at 6 p.m.; Sunday, March 3, 2002, at 10:30 a.m.; and Wednesday, March 6, 2002, at 6 p.m.