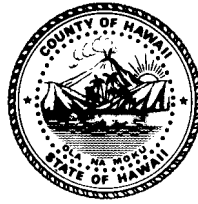


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

31st Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Friday, March 8, 2002
9:00 a.m.

INVOCATION Pastor Dan De Luz, Jr., of Thy Word Ministries

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES January 24, 2002

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

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. 165-02: Transfers/appropriates an appropriation out and from the designated fund account(s) and credits same to a designated fund account(s).
{Appropriates revenues of \$500,000 from the Waikoloa Electric Substation account; and credits same to the Transfer to General Fund account. }

Re: Comm. 458.2
Intr. by: Mr. Chung (B/R)
Approved: FC-195

Res. 174-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for the multi-year contract amendment of the golf cart operations at the Hilo Municipal Golf Course.

Re: Comm. 515
Intr. by: Mr. Chung
Approved: FC-191

BILLS FOR ORDINANCES (FIRST READING)

Bill 151:
(Draft 3) Amends Section 25-8-2 (North and South Kona Districts Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-20a) to Family Agricultural (FA-5a) at Kaloko, North Kona, Hawai'i, covered by Tax Map Key 7-3-24:1 & 2.
{Kam Center Specialty Corporation, applicant. }

Re: Comm. 476.2
Intr. by: Ms. Leithead-Todd
Approved: PC-55

Bill 158: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
{Proposes increases and decreases in revenues to the following accounts (for a total decrease of \$5,106,303): Real Property Tax-Delinquent ([\$569,782]), Interest-Real Property Tax Delinquent ([\$901,490]), Penalties-Real Property Tax Delinquent ([\$169,364]), Public Service Company Tax (\$1,287,000), State Grant-in-Aid ([\$3,593,000]), Kohala Courthouse Renovation (\$14,373), Auto Repair Charges (\$14,000), Environmental Management Department Administration Charges ([\$28,971]), Engineering Division Services Fees-Others (\$142,902), Building Division Service Fees ([\$94,488]), Transfer from Other Funds (\$500,000), Fund Balance from Previous Year ([\$2,371,855]), Health Fund Refund (\$664,372); and

(Note: Bill 158 is continued on the next page.)

(Bill 158)
(Continued)

Proposes increases and decreases to the following fund and expenditure accounts: Clerk-Council Service Salaries & Wages ([\$53,376]), Clerk-Council Service Other Current Expenses ([\$41,685]), Clerk-Council Service Equipment ([\$26,000]), Hawai'i State Association of Counties/National Association of Counties ([\$5,000]), Postage-Council Service ([\$10,000]), Election Division Salaries & Wages ([\$20,000]), Office of Management Salaries & Wages ([\$60,612]), Mayor's Entertainment ([\$2,000]), Clerical Service Center Salaries & Wages ([\$21,720]), Family Violence Advisory Commission ([\$1,950]), Emergency Medical Service Advisory Commission ([\$1,650]), Committee on People with Disabilities ([\$1,050]), Committee on Children & Youth ([\$7,812]), Committee on Status of Women ([\$3,762]), Data Systems Salaries & Wages ([\$106,798]), Data Systems Other Current Expenses ([\$17,500]), Finance Administration & Budget Other Current Expenses ([\$500]), Finance Administration & Budget Equipment ([\$950]), Accounts Salaries & Wages (\$1,425), Accounts Other Current Expenses ([\$1,525]), Accounts Equipment ([\$1,585]), Purchasing Other Current Expenses ([\$4,071]), Advertising ([\$49,675]), Treasury Salaries & Wages ([\$11,833]), Treasury Other Current Expenses ([\$1,500]), Real Property Tax Salaries & Wages ([\$74,727]), Real Property Tax Other Current Expenses ([\$23,600]), Real Property Tax Equipment ([\$24,000]), Corporation Counsel Other Current Expenses ([\$18,150]), Special Counsel & Settlement of Litigation ([\$200,000]), Printing County Codes ([\$10,000]), Board of Ethics Other Current Expenses ([\$500]), Planning Salaries & Wages ([\$122,194]), Planning Other Current Expenses ([\$41,327]), Planning Equipment ([\$6,750]), Civil Service Salaries & Wages ([\$54,138]), Civil Service Other Current Expenses ([\$27,173]), Civil Service Equipment ([\$2,319]), Training Expenses ([\$5,800]), Collective Bargaining Expenditures ([\$2,115]), Health & Safety Other Current Expenses ([\$2,649]), Video Display Terminal Eye Exams ([\$4,000]), Agriculture Research & Development Other Current Expenses ([\$10,000]), Tourism Promotion ([\$15,000]), New Industry & Industry Development ([\$20,000]), Janitorial Service Salaries & Wages (\$1,484), Janitorial Service Other Current Expenses ([\$20,000]), Building Repairs & Maintenance Salaries & Wages ([\$48,085]), Building Repairs & Maintenance Other Current Expenses ([\$215,000]), Building Design & Engineering Salaries & Wages ([\$101,528]), Building Design & Engineering Other Current Expenses ([\$2,500]), Public Works Administration Salaries & Wages ([\$65,485]), Public Works Administration Other Current Expenses ([\$3,768]), Automotive Division Salaries & Wages (\$11,517), Automotive Division Other Current Expenses ([\$66,000]), Automotive Division Equipment ([\$19,284]), Engineering Division Salaries & Wages ([\$73,395]), Police Administrative Division Other Current Expenses (\$98,117), North Hilo Police Other Current Expenses (\$6,020), Hamakua Police Other Current Expenses (\$5,431), Waimea Police Other Current Expenses (\$3,069), Kohala Police Other Current Expenses (\$5,343), Kona Police Other Current Expenses (\$50,998), Ka'u Police Other Current Expenses (\$7,955), Puna Police Other Current Expenses (\$4,375), Fire Protection Salaries & Wages ([\$82,114]), Fire Prevention Salaries & Wages ([\$113,627]), Equipment Maintenance Salaries & Wages ([\$88,482]), Training & Volunteer Fire Salaries & Wages ([\$117]), Construction

(Note: Bill 158 is continued on the next page.)

(Bill 158)
(Continued)

Inspection Salaries & Wages ([\\$19,533]), Building Inspection Salaries & Wages ([\\$38,368]), Flood Control Other Current Expenses ([\\$22,315]), Civil Defense Agency Salaries & Wages ([\\$5,000]), Civil Defense Agency Other Current Expenses ([\\$2,600]), Prosecuting Attorney Salaries & Wages ([\\$82,321]), Prosecuting Attorney Other Current Expenses ([\\$23,413]), Kona Prosecuting Attorney Salaries & Wages ([\\$9,864]), Kona Prosecuting Attorney Other Current Expenses ([\\$4,998]), Mass Transit Salaries & Wages ([\\$35,676]), Mass Transit Other Current Expenses ([\\$34,283]), Office of Aging Salaries & Wages ([\\$17,061]), Office of Aging Other Current Expenses ([\\$2,700]), Alae Cemetery Salaries & Wages (\\$5,534), Hilo & West Hawai'i Veterans Cemetery Salaries & Wages (\\$1,047), Coordinated Services County Other Current Expenses ([\\$300]), Retired and Senior Volunteer Program Other Current Expenses ([\\$1,061]), Nutrition Program Salaries & Wages ([\\$1,527]), Senior Community Service Employee Program Salaries & Wages ([\\$800]), Senior Community Service Employee Program Other Current Expenses ([\\$1,008]), Hawai'i County Band Other Current Expenses ([\\$100]), Hawai'i County Band Equipment ([\\$155]), West Hawai'i Band Other Current Expenses ([\\$255]), Parks & Recreation Administration Salaries & Wages ([\\$17,149]), Parks & Recreation Administration Other Current Expenses ([\\$3,100]), Parks & Recreation Administration Equipment ([\\$2,600]), Friends of the Park ([\\$7,000]), Parks Maintenance Salaries & Wages (\\$74,830), Parks Maintenance Other Current Expenses ([\\$100,000]), Parks Repairs & Maintenance & Improvements ([\\$105,000]), Recreation Division Salaries & Wages ([\\$40,411]), Recreation Division Other Current Expenses ([\\$5,700]), Ho'olulu Complex Other Current Expenses ([\\$3,200]), Aquatics Pools Other Current Expenses ([\\$2,000]), Aquatics Beaches Other Current Expenses ([\\$950]), Culture/Arts Salaries & Wages ([\\$45,180]), Culture/Arts Other Current Expenses ([\\$400]), Elderly Activities Division Administration Salaries & Wages ([\\$650]), Elderly Activities Division Administration Other Current Expenses ([\\$3,750]), Elderly Activities Division Recreation Salaries & Wages ([\\$200]), Elderly Activities Division Recreation Other Current Expenses ([\\$1,550]), Elderly Activities Division Special Programs Other Current Expenses ([\\$1,670]), Pana'ewa Zoo Other Current Expenses ([\\$48,955]), Environmental Management Salaries & Wages ([\\$2,971]), Environmental Management Other Current Expenses ([\\$26,000]), Transfer to Solid Waste Fund ([\\$1,187,095]), Transfer to Golf Course Fund ([\\$45,519]), Interest on General Obligation Bond ([\\$454,423]), General Services Bond Reduction ([\\$129,646]), Health Fund Administration Cost ([\\$23,610]), Employee Health Plans (\\$200,000), Provision for Compensation Adjustment ([\\$1,005,000]).}

Re: Comm. 458.2
Intr. by: Mr. Chung (B/R)
Approved: FC-192

Bill 159: 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 and decreases revenues in the following accounts: Fund Balance from Previous Year, Solid Waste Fund account (\$365,633), and Transfer from General Fund account ([\$1,187,095]); and amends to the following Solid Waste Fund accounts: Landfills Salaries and Wages account ([\$34,572]), Landfills Other Current Expenses account ([\$551,890]), Landfills Equipment account ([\$35,000]), and Pu'uana'hulu Landfill Other Current Expenses account ([\$200,000]).}

Re: Comm. 458.2
Intr. by: Mr. Chung (B/R)
Approved: FC-193

Bill 160: 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 and decreases revenues in the following accounts: Fund Balance from Previous Year account-Golf Course Fund account (\$45,519); and transfer from General Fund account ([\$45,519]).}

Re: Comm. 458.2
Intr. by: Mr. Chung (B/R)
Approved: FC-194

Bill 170: 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 Single Family Residential (RS-10) to Residential-Commercial Mixed Use (RCX-10) at Waiakea, South Hilo, Hawai'i, covered by Tax Map Key 2-4-023:028.
{Dr. Brenda Camacho, applicant.}

Re: Comm. 507
Intr. by: Bobby Jean Leithead-Todd (B/R)
Approved: PC-63

Bill 173: 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 ADA Curb Ramp Compliance Program, Phase II, project (\$1,700,000); funds to be provided by General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$1,700,000).}

Re: Comm. 511
Intr. by: Mr. Chung
Approved: FC-188

Bill 174: 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 \$1,500 in the Retired and Senior Volunteer Program account; and appropriates same to the Retired and Senior Volunteer Program – Other Current Expenses account.}

Re: Comm. 514
Intr. by: Mr. Chung
Approved: FC-190

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 225: Amends Chapter 22, of the Hawai'i County Code 1983 (1995 Edition), relating to
(Draft 6) Streets and Sidewalks.
{Draft 6 contains the following amendment to Division 6, Section 22-3.10: (b) Fees shall be waived for any permit issued to or on behalf of [federal, state and] county agencies including the department of water supply.}

Re: Comm. 370.13
Intr. by: Mr. Elarionoff
1st Reading: February 21, 2002

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.}

Re: Comm. 478.1
Intr. by: Ms. Leithead-Todd
1st Reading: February 21, 2002

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
1st Reading: February 21, 2002

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
1st Reading: February 21, 2002

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
1st Reading: February 21, 2002

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)
1st Reading: February 21, 2002

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
1st Reading: February 21, 2002

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
1st Reading: February 21, 2002

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
1st Reading: February 21, 2002

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the month ended January 31, 2002.

FC Rept. 180: (C-499) Recommends the confirmation of Mr. Gerald M. Kita of Council District 4 to serve on the Hawai'i County Salary Commission;

and

Comm. 499.2: From Executive Assistant Wendell Hatada, dated February 13, 2002.

FC Rept. 189: (C-512) Authorizes the acceptance of a monetary donation of \$50 to the Department of Parks and Recreation, Wainaku Gym; authorizes the acceptance of a donation of an electric stove and kitchen supplies to the Department of Parks and Recreation, Wainaku Gym. {Donation provided by the Lehua Jaycees and the Wainaku-Kaiwiki Community Association.}

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

Deferred: February 21, 2002

Comm. 189.4: EXECUTIVE SESSION – WILLIAM SILVA, ET. AL. V. COUNTY OF HAWAI'I, ET. AL. – CIV. NO. 97-622
From Corporation Counsel Lincoln S. Ashida, dated February 28, 2002.

OTHER BUSINESS

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

ANNOUNCEMENTS

<u>THURSDAY, MARCH 14, 2002</u>		
SPECIAL FINANCE COMMITTEE (DEPARTMENTAL REVIEWS OF BUDGETS)	9:00 a.m.	COUNCILROOM
<u>FRIDAY, MARCH 15, 2002</u>		
SPECIAL FINANCE COMMITTEE (DEPARTMENTAL REVIEWS OF BUDGETS)	9:00 a.m.	COUNCILROOM
<u>MONDAY, MARCH 18, 2002</u>		
SPECIAL FINANCE COMMITTEE (DEPARTMENTAL REVIEWS OF BUDGETS)	9:00 a.m.	COUNCILROOM
COUNCIL PUBLIC HEARING – (OPERATING & CAPITAL IMPROVEMENT PROJECT BUDGETS)	5:00 p.m.	COUNCILROOM
<u>TUESDAY, MARCH 19, 2002</u>		
COMMITTEES	TBA	COUNCILROOM
<u>WEDNESDAY, MARCH 20, 2002</u>		
COUNCIL	9:00 a.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
COUNCIL PUBLIC HEARING – (OPERATING & CAPITAL IMPROVEMENT PROJECT BUDGETS)	6:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
<u>THURSDAY, MARCH 21, 2002</u>		
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE PUBLIC HEARING (NONPROFIT ORGANIZATIONS)	10:00 a.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4

STATEMENTS FROM THE PUBLIC

ADJOURNMENT

(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, March 13, 2002, at 6 p.m.; Sunday, March 17, 2002, at 10:30 a.m.; and Wednesday, March 20, 2002, at 6 p.m.