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NANCY PISICCHIO
GARY SAFARIK
DOMINIC YAGONG

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

32nd Session

ORDER OF BUSINESS

Hawai'i County Council
King Kamehameha's Kona Beach Hotel
Conference Room 4
75-5660 Palani Road
Kailua-Kona, Hawai'i

Wednesday, March 20, 2002
9:00 a.m.

INVOCATION Pastor Keith Elliot of Kona Church of God

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES February 6, 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. 175-02: Supports Federal legislation exempting foreign passenger cruise ships in Hawaiian waters from the Passenger Vessel Services Act.

Re: Comm. 521
Intr. by: Mr. Arakaki
Approved: HSEDC-10

and

Comm. 521.1: From Jay Mende, Legislative Auditor's Office, dated March 12, 2002.

Res. 176-02: Authorizes Big Island Toyota, Inc., to extend the public sewer to Wiwo'ole Street, Waiâkea, South Hilo, Hawai'i.

Re: Comm. 523
Intr. by: Mr. Yagong
Approved: PEMC-11

Res. 177-02: Naming of Streets in the County of Hawai'i, State of Hawai'i.
(Draft 2) {"Kuahiwi Place" and "Kikau Place", located within the Pacific Heights Subdivision, Increment IV, Kûkûau, South Hilo, Hawai'i, TMK: 2-4-66:56).}

Re: Comm. 527.1
Intr. by: Ms. Leithead-Todd
Approved: PC-64

Res. 178-02: Naming of Streets in the County of Hawai'i, State of Hawai'i.
{"Waipiele Street", "Hikiaupea Street", and "Hikiaupea Place", located within the Hawi Mutual Self Help Subdivision, Hawi, North Kohala, Hawai'i, TMK:5-5-014. }

Re: Comm. 528
Intr. by: Ms. Leithead-Todd
Approved: PC-65

and

Comm. 528.1: From Planning Committee Chair Bobby Jean Leithead-Todd, dated March 11, 2002, transmitting Res. 178-02, Draft 2; and

(Note: Resolution 178-02, Draft 2, is continued on the next page.)

Res. 178-02: Naming of Streets in the County of Hawai'i, State of Hawai'i.
 (Draft 2) {"Waipiele Street", "Hiki'aupe'a Street", and "Hiki'aupe'a Place", located within the
 (Continued) Hâwî Mutual Self Help Subdivision, Hâwî, North Kohala, Hawai'i, TMK:5-5-014.
 The amendment inserts okinas in the name "Hiki'aupe'a" and kahakos in "Hâwî."}

Res. 179-02: Naming a Street in the County of Hawai'i, State of Hawai'i.
 {"Kohala Mountain Road", located in North and South Kohala,
 Hawai'i.}

Re: Comm. 529
 Intr. by: Ms. Leithead-Todd
 Approved: PC-66

Res. 182-02: Supports the Doctorate program in Hawaiian and indigenous language and culture
 revitalization, Ka Haka 'Ula O Ke'elikolani (College of Hawaiian Language),
 University of Hawai'i at Hilo.

Re: Comm. 549
 Intr. by: Mr. Arakaki
 Waived: PWIRC

Res. 184-02: Authorizes the Corporation Counsel, and his authorized representatives, to enter into
 an agreement with the individually named parties, who are officials and employees of
 the County of Hawai'i, to represent them in the Civil action entitled
Patrick Leo Kahawaiola'a, et al. vs. United States of America, et al., Civil
No. 01-00773 SPK/LEK.

Re: Comm. 551
 Intr. by: Mr. Chung
 Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 175: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to
 Vehicles and Traffic.
 {Stop Intersection: Hi'iaka Street at Hale Ali'i Street and 'Âinahua Alanui Street,
 Kuhio Village Subdivision, South Kohala.}

Re: Comm. 518
 Intr. by: Mr. Elarionoff
 Approved: PWIRC-40

- Bill 176: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Mohouli Street, Kukuau Street: Stop Intersections and Through Streets, South Hilo.}
- Re: Comm. 519
Intr. by: Mr. Elarionoff
Approved: PWIRC-41
- Bill 177: 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 General Commercial (CG-20) at Waiâkea House Lots Second Series, Waiâkea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-22:006.
{Branckle, LLP; applicant.}
- Re: Comm. 525
Intr. by: Ms. Leithead-Todd
Approved: PC-67
- Bill 178: 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 General Commercial (CG-20) at Waiâkea House Lots Second Series, Waiâkea, South Hilo, Hawai'i, Covered By Tax Map Key 2-2-22:005.
{Dr. Curtis Lee, applicant.}
- Re: Comm. 526
Intr. by: Ms. Leithead-Todd
Approved: PC-68
- Bill 179: 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 Waiâkea-Uka Park Restroom project (\$60,000); funds to be provided by General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$60,000).}
- Re: Comm. 530
Intr. by: Mr. Arakaki
Approved: FC-196

- Bill 180: 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 \$239,315.61 in the Fund Balance from Prior Year-Reserved account; and appropriates same to the Transfer to Capital Project Fund account.}
- Re: Comm. 532
Intr. by: Mr. Chung
Approved: FC-197
- Bill 183: 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 \$11,893 in the Federal Grants – Hawai'i County Fire Department Equipment Purchase account; and appropriates same to the Hawai'i County Fire Department Equipment Purchase account.}
- Re: Comm. 536
Intr. by: Mr. Chung
Approved: FC-198
- Bill 184: 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 \$11,160 in the Federal Grants – Hawai'i County Fire Department Child Protective Seats Equipment account; and appropriates same to the Hawai'i County Fire Department Child Protective Seats Equipment account.}
- Re: Comm. 537
Intr. by: Mr. Chung
Approved: FC-199
- Bill 185: 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 \$8,160 in the State Grants – Coordinated Services Purchase of Services account; and appropriates same to the Coordinated Services Salaries & Wages account.}
- Re: Comm. 538
Intr. by: Mr. Chung
Approved: FC-200

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 151: 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.
(Draft 4) {Kam Center Specialty Corporation, applicant. Draft 4 contains the following amendments: 1) Condition E. inserts additional language to the second sentence: "..., and no tree or shrub with trunk size over six inches in diameter or on any lot shall be cut back, removed, or killed unless disease or such cutting, removal or killing is necessary for the construction of any lawful structure or improvements to the lot."}; 2) Condition J. inserts additional language to the first sentence to specify that restrictive covenants in the deeds of Lots 3 and 4, as shown on the attached map "Exhibit B", will prohibit access to any adjacent properties; and 3) Condition P. deletes the word "fund" and replaces it with "fair share assessments". It also inserts additional language at the end of the sentence to specify that the funds which were previously collected by the County are to be used for the improvements to the Mamalahoa Highway-Kaloko Drive intersection. }

Re: Comm. 476.3
Intr. by: Ms. Leithead-Todd
1st Reading: March 8, 2002

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

(Bill 158)
(Continued)

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 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

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

(Bill 158)
(Continued)

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)
1st Reading: March 8, 2002

Bill 159:
(Draft 2)

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: Landfill Tipping Fees Solid Waste Fund Account (250,000), Fund Balance from Previous Year 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 ([\\$125,000]), Landfills Other Current Expenses account ([\\$32,462]), Pu'uana'hulu Landfill Other Current Expenses account ([\\$350,000]), FICA Employer Share account ([\\$14,000]), and Worker's Compensation account ([\\$50,000)].}

Re: Comm. 458.4
Intr. by: Mr. Chung
1st Reading: March 8, 2002

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)
1st Reading: March 8, 2002

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 Waiâkea, 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)
1st Reading: March 8, 2002

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
1st Reading: March 8, 2002

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
1st Reading: March 8, 2002

REPORTS

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.)

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>MONDAY, APRIL 1, 2002</u>	
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE SPECIAL MEETING (NONPROFIT ORGANIZATIONS)	10:00 a.m.	COUNCILROOM
	<u>TUESDAY, APRIL 2, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, APRIL 3, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, APRIL 16, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, APRIL 17, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
HOUSING	3:00 p.m.	COUNCILROOM

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 27, 2002, at 6 p.m.; Sunday, March 31, 2002, at 10:30 a.m.; and Wednesday, April 3, 2002, at 6 p.m.