

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*

33rd Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, April 3, 2002
9:00 a.m.

INVOCATION	Reverend Charles Kahawai of Ke Kilohana O ka Malamalama
CALL TO ORDER	9:05 a.m.
ROLL CALL	All present
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	February 21, 2002 – approved as amended

(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. 569: SUMMARY REPORT OF THE HSAC EXECUTIVE COMMITTEE MEETING OF
MARCH 22, 2002
From Councilmember J. Curtis Tyler, III, dated March 25, 2002, transmitting the
HSAC Executive Committee agendas of February 8, 2002, and March 22, 2002,
including approved minutes of the HSAC Committee meeting of January 16, 2002, and
February 8, 2002. Requests Council's consideration on the following: 1) Approval of
FY2002-03 HSAC budget; 2) Approval of the appointment of J. Curtis Tyler, III, to
serve as the HSAC delegate and Gary Safarik to serve as alternate delegate
representing Hawai'i County; 3) Approval of HSAC Executive Committee
endorsement of Bill Hansell's candidacy to serve as NACo Second Vice President in
2002; and 4) Requests that Councilmembers wishing to serve on NACo steering
committees forward their name for NACo's consideration.

Waived: PWIRC

FILED COMM. 569 & APPROVED HSAC'S RECOMMENDATIONS
NUMBERED 1, 2, AND 3

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

NOES: None

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

ORDER OF RESOLUTIONS

- Res. 183-02: Authorizes the Mayor to negotiate and execute an agreement with Oceanside 1250, to
satisfy Condition "M" of Ordinance No. 97-36.

Re: Comm. 550

Intr. by: Mr. Safarik

Approved: CHA – March 7, 2002

RES. 183-02, DRAFT 2, ADOPTED, AS CIRCULATED

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 186: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Conversion of Nânâwale Boulevard/Kçhau Road Intersection to a 4-Way Stop.}

Re: Comm. 540
Intr. by: Mr. Elarionoff
Approved: PWIRC-42

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 187: Amends Chapter 2, of the Hawai'i County Code 1983 (1995 Edition), relating to Administration.
{Adds the Department of Environmental Management under the direct supervision of the Managing Director and deletes sewer and solid waste functions from the Department of Public Works.}

Re: Comm. 541
Intr. by: Mr. Yagong
Approved: PEMC-12

BILL 187, DRAFT 2, PASSED 1ST READING, AS CIRCULATED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Bill 188: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Deletes Section 24-216.01 (Flat Rate Payment) and all references to a flat rate payment option for parking meter zones.}

Re: Comm. 542
Intr. by: Mr. Elarionoff
Approved: PWIRC-43

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 189: Amends the Parks and Recreational Facility Schedule, Chapter 15, Section 15-68.1, Hawai'i County Code 1983 (1995 Edition), relating to naming the Waiâkea-Uka Gym located at Waiâkea-Uka Park "Stanley Costales, Sr. Waiâkea-Uka Gym" in honor of Stanley Costales, Sr.;

Re: Comm. 543
 Intr. by: Mr. Arakaki
 Approved: PEMC-13

and
 Comm. 543.2: From Council Chair James Y. Arakaki, dated March 20, 2002, transmitting Bill 189, Draft 2 (which, at the request of Mrs. Roberta Costales, all references to Stanley Costales, Sr., have been changed to Stanley Costales); and

Bill 189: Amends the Parks and Recreational Facility Schedule, Chapter 15, Section 15-68.1,
 (Draft 2) Hawai'i County Code 1983 (1995 Edition), relating to naming the Waiâkea-Uka Gym located at Waiâkea-Uka Park "Stanley Costales Waiâkea-Uka Gym" in honor of Stanley Costales.

PASSED 1ST READING

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Bill 190: 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 \$80,000 in the Federal Grants-Gun Grant Prosecution account; appropriates same to the Gun Grant Prosecution account.}

Re: Comm. 546
 Intr. by: Mr. Chung
 Approved: FC-201

PASSED 1ST READING

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

NOES: None

Bill 191: 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 \$80,000 in the Federal Grants-Keahole-Honaunau Regional Transportation Circulation Plan account; and appropriates same to the Keahole-Honaunau Regional Transportation Circulation Plan account.}

Re: Comm. 548
Intr. by: Mr. Chung
Approved: FC-202

PASSED 1ST READING

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

ORDER OF THE DAY (SECOND OR FINAL 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 'Ainahua Alanui Street, Kuhio Village Subdivision, South Kohala.}

Re: Comm. 518
Intr. by: Mr. Elarionoff
1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

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
1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

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. {Branclek, LLP; applicant.}

Re: Comm. 525
 Intr. by: Ms. Leithead-Todd
 1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

NOES: None

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
 1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

NOES: None

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
 1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

NOES: None

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
1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

NOES: None

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
1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

NOES: None

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
1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

NOES: None

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
1st Reading: March 20, 2002

PASSED 2ND & FINAL READING

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

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the month ended February 28, 2002.

APPROVED

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

FC Rept. 203: (C-531) Recommends the confirmation of the appointment of Peter L. Hendricks to the Police Commission.

APPROVED

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

FC Rept. 204: (C-535) Recommends the acceptance of the five hundred (500) art prints to the Office of the Mayor and the Department of Research & Development by Gwendolyn O'Connor, on behalf of the Rotary Club of Volcano {each art print having an estimated value of \$15}.

APPROVED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisci­chio, 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. 544: EXECUTIVE SESSION – SERGIO AFANASENKO V. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 99-529
From Deputy Corporation Counsel Katherine A. Garson, dated February 28, 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.)

Comm. 370.15: MAYOR'S VETO MESSAGE REGARDING BILL 225, DRAFT 6, RELATING TO STREETS AND SIDEWALKS
From Mayor Harry Kim, dated March 25, 2002, returning Bill 225, Draft 6, stating his reasons for his disapproval, as listed. Further states that because of the importance of other issues addressed by this bill, he will be resubmitting a new proposal that addresses concerns as soon as possible; and

Bill 225:
(Draft 6) Amends Chapter 22, of the Hawai'i County Code 1983 (1995 Edition), relating to Streets and Sidewalks.
{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. }

Intr. by: Mr. Elarionoff
Deferred: December 19, 2001
1st Reading: February 21, 2002
2nd Reading: March 8, 2002
Mayor's veto: March 25, 2002

FILED COMMUNICATION & ENTERED MAYOR'S OBJECTION

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Pisicchio

ANNOUNCEMENTS

	<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
	<u>TUESDAY, APRIL 30, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, MAY 1, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 11:15 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 by April 1, 2002. 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, April 10, 2002, at 6 p.m.; Sunday, April 14, 2002, at 10:30 a.m.; and Wednesday, April 17, 2002, at 6 p.m.