

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

Comm. 597: PROPOSED 2002-03 HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC)
SLATE OF OFFICERS, NATIONAL ASSOCIATION OF COUNTIES (NACO)
BOARD MEMBERSHIP, AND WESTERN INTERSTATE REGION (WIR) BOARD
MEMBER

From Councilmember J. Curtis Tyler, III, dated April 15, 2002, requests the approval of the proposed slates as follows: (1) HSAC slate of officers: President - J. Curtis Tyler, III (Hawai'i County), Vice President - Dain Kane (Maui County), Secretary - Gary Okino (City & County of Honolulu), and Treasurer - James K. Tokioka (Kauai County); (2) NACo Board member slate of officers: G. Riki Hokama (Maui County), James K. Tokioka (Kauai County), and J. Curtis Tyler, III, Minority-at-Large board member; WIR Board member slate: Gary Okino (City & County of Honolulu).

Waived: PWIRC

CLOSE FILE ON COMM. 597 AND APPROVE SLATE OF OFFICERS

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

ORDER OF RESOLUTIONS

Res. 336-98: Naming of a street in the County of Hawai'i, State of Hawai'i.
(1998) {Beers Road – located in the Ka'auhuhu - Kahei Homesteads, North Kohala, Hawai'i,
Tax Map Key 5-5-2:1.}

Re: Comm. 1015
Intr. by: Ms. Leithead-Todd (B/R)
Filed: PC-73

FILED

Res. 189-02: Supports the "no raise" message of the County Administration to public employee organizations.

Re: Comm. 568
Intr. by: Mr. Yagong
Negative: FC-214

FILED

Res. 190-02: Naming of streets in the County of Hawai'i, State of Hawai'i.
 (Draft 2) {Beers Road, Hala'ula-Maulili Road, Hall Road, Hô'ea Road, Honoipu-Pu'uhue Road, Honomaka'u Road, Hook Road, Hualua Road, 'Ilikini Road, 'Iole Road, Kamehameha Park Road, Kapa'a Park Road, Kapa'au Road, Kynnersley Road, Lincoln Avenue, Mahukona Park Road, Maliu Road, Pu'uhue Road, Union Mill Road, 'Upolu Road - located within the North Kohala District, Hawai'i.};

Re: Comm. 574.1
 Intr. by: Ms. Leithead-Todd
 Approved: PC-74

and

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Yagong

Comm. 574.2: From Henry A. Ross, dated April 17, 2002.

CLOSE FILE

Res. 191-02: Naming of streets in the County of Hawai'i, State of Hawai'i.
 {Polinahe Way – located within the Ali'i Kehau Subdivision, North Kona, Hawai'i, Tax Map Key 7-3-059 (formerly 7-3-005:009).}

Re: Comm. 575
 Intr. by: Ms. Leithead-Todd
 Approved: PC-75

ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

Res. 192-02: Naming a street in the County of Hawai'i, State of Hawai'i.
{Konawaena School Road - located in Onouli and Kalukalu, South Kona, Hawai'i.}

Re: Comm. 576
Intr. by: Ms. Leithead-Todd
Approved: PC-76

ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

Res. 193-02: Naming of streets in the County of Hawai'i, State of Hawai'i.
(Draft 2) {Road A, La'aloa Avenue; Road B, Ho'olaupa'i Street; Road C, Mâhiehie Street; Road D, Lupalupa Way; Road E, Ho'ohonua Court; Road F, Ho'oilina Court; Road G, Ko'ako'a Street; Road H, Queen Kalama Avenue - located within the Keauhou View Estates Subdivision, Unit I Phases IV, V & VI, Pâhoehoe 3rd & 4th, La'aloa 1st & 2nd, Kâpala'alaea 1st, North Kona, Hawai'i, Tax Map Keys: (3)7-7-026:027 & 7-7-025:Por. 080.}

Re: Comm. 577.1
Intr. by: Ms. Leithead-Todd
Approved: PC-77

ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

Res. 194-02: Naming of streets in the County of Hawai'i, State of Hawai'i.
{Kahauloa Road, Kahauloa Street, Manini Beach Road - located within the Kahauloa House Lots Subdivision, Kahauloa 1st, South Kona, Hawai'i.}

Re: Comm. 578
Intr. by: Ms. Leithead-Todd
Approved: PC-78

DEFERRED

Res. 195-02: Authorizes the acceptance of a donation of three (3) pairs of Amazon Parrots and their enclosures to the Department of Parks and Recreation for the Pana'ewa Rainforest Zoo. {Estimated total value of \$14,100, from Mr. Jack Armstrong and Ms. Sherrie Moore.}

Re: Comm. 584
 Intr. by: Mr. Chung
 Approved: FC-216

ADOPTED

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

Res. 196-02: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Health, pursuant to HRS 46-7, for an Emergency Medical Services (EMS) Childhood Injury Prevention Grant.

Re: Comm. 585
 Intr. by: Mr. Chung
 Approved: FC-217

ADOPTED

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

Res. 205-02: Authorizes the Corporation Counsel, and his authorized representatives, to enter into an agreement with the individually named parties, who are employees of the County of Hawai'i, to represent them in the civil action entitled *Sergio Afanasenko vs. County of Hawai'i, Tony Enriquez, Donald Watson, et al., Civil No. 99-529.*

Re: Comm. 596
 Intr. by: Mr. Chung
 Waived: FC

ADOPTED

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

Res. 206-02: Authorizes the Mayor of the County of Hawai'i to execute and submit the 2002 Action Plan and all other related documents to the United States Department of Housing and Urban Development for the 2002 Community Development Block Grant and to the State's Housing and Community Development Corporation of Hawai'i for the HOME Investment Partnerships Programs.

Re: Comm. 603
 Intr. by: Mr. Safarik
 Approved: CHA – April 17, 2002

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Yagong

BILLS FOR ORDINANCES (FIRST READING)

Bill 202: 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 6-2-11:26.
 {Thomas C. and F. Ann Hill, applicant. }

Re: Comm. 573
 Intr. by: Ms. Leithead-Todd
 Approved: PC-79

PASSED 1ST READING

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

1 NO: Councilmember Jacobson

1 ABSENT & EXCUSED: Councilmember Yagong

Bill 203: Amends Section 25-8-7 (North and South Kohala 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 Residential and Agricultural (RA-2a) at 'Ōuli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:26.
 {Thomas C. and F. Ann Hill, applicant. }

Re: Comm. 573
 Intr. by: Ms. Leithead-Todd
 Approved: PC-80

AMENDED TO DRAFT 2 & PASSED 1ST READING

6 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Tyler and Chairman Arakaki

1 NO: Councilmember Jacobson

2 ABSENT & EXCUSED: Councilmembers Safarik & Yagong

Bill 204: Amends Chapter 25 (Zoning Code) of the Hawai'i County Code relating to de minimis structure position discrepancy.

Re: Comm. 579
 Intr. by: Ms. Leithead-Todd
 Approved: PC-81

PASSED 1ST READING

7 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio, Tyler and Chairman Arakaki

NOES: None.

2 ABSENT & EXCUSED: Councilmembers Safarik and Yagong

Bill 206: 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 \$2,000 in the Federal Grants – Emergency Medical Services Childhood Injury Prevention account; and appropriates same to the Emergency Medical Services Childhood Injury Prevention account.}

Re: Comm. 585
 Intr. by: Mr. Chung
 Approved: FC-218

PASSED 1ST READING

7 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio, Tyler and Chairman Arakaki

NOES: None.

2 ABSENT & EXCUSED: Councilmembers Safarik and Yagong

Bill 207: 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.
 {Increases the appropriation of PUBLIC WORKS Puainako Street Extension – Federal account from [\$410,000] to \$6,410,000; to be provided from Federal Grants Receivable account (\$6,000,000).}

Re: Comm. 586
 Intr. by: Mr. Chung
 Approved: FC-219

PASSED 1ST READING

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

NOES: None.

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

Bill 210: 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 \$37,244.70 in the Block Grant Program Income account; and appropriates same to the Removal of Architectural Barriers account.}

Re: Comm. 600
Intr. by: Mr. Safarik
Approved: CHA – April 17, 2002

PASSED 1ST READING

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

NOES: None.

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

Bill 211: 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 in the following accounts: Federal – 2002 HOME Program account (\$963,000) and HOME Program Income account (\$8,695), for a total amount of \$971,695; appropriates same to the following accounts: Assisted Living Project account ([\$15,000]), County of Hawai'i Tenant-Based Rent Assistance account ([\$28,000]), County of Hawai'i Tenant-Based Rent Assistance ([\$648,305]), Kamuela Senior Housing account (\$691,305), Kamuela Senior Housing account (\$208,695), Pu'ukapu Self-Help Housing (\$700,000), and Office of Housing and Community Development Administration account (\$63,000), for a total amount of \$971,695.}

Re: Comm. 601
Intr. by: Mr. Safarik
Approved: CHA – April 17, 2002

PASSED 1ST READING

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

NOES: None.

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

Bill 212: 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 in the following accounts: Federal – Block Grant account (\$2,304,000) and Block Grant Program Income account (\$8,400); for a total amount of \$2,312,400; appropriates same to the following accounts: Acquisition-Hale Ohana Domestic Abuse Shelter account (\$289,000), Residential Emergency Repair Program account (\$300,000), Removal of Architectural Barriers-Americans with Disabilities Act Compliance-Various County Facilities account (\$643,400), Removal of Architectural Barriers-Americans with Disabilities Act Compliance-Curb Cuts/Ramps account (\$800,000), Public Facilities-Direct Cost Construction Management account (\$80,000), and Administration, Planning & Fair Housing account (\$200,000), for a total amount of \$2,312,400.}

Re: Comm. 602
 Intr. by: Mr. Safarik
 Approved: CHA – April 17, 2002

PASSED 1ST READING

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

NOES: None.

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 192: 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 7-3-5:95 and portion of 31. {David S. De Luz Sr., Enterprises Profit Sharing Plan, applicant.}

Re: Comm. 552
 Intr. by: Ms. Leithead-Todd
 1st Reading: April 17, 2002

PASSED 2ND & FINAL READING

5 AYES: Councilmembers Elarionoff, Leithead-Todd, Pisicchio, Tyler and Chairman Arakaki

1 NO: Councilmember Jacobson

3 ABSENT & EXCUSED: Councilmembers Chung, Safarik and Yagong

Bill 193: Amends Section 25-8-3 (North Kona District Zone Map), Article 8, Chapter 25
(Draft 3) (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) and Single Family Residential (RS-10) to Single Family Residential (RS-20) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key 7-3-5:95, portion of 85 and portion of 31.
{David S. De Luz Sr., Enterprises Profit Sharing Plan, applicant.}

Re: Comm. 552.2
Intr. by: Ms. Leithead-Todd
1st Reading: April 17, 2002

PASSED 2ND & FINAL READING

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

1 NO: Councilmember Jacobson

1 ABSENT & EXCUSED: Councilmember Yagong

Bill 194: 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 7-3-5:30.
{Ellen M. Garver, applicant.}

Re: Comm. 553
Intr. by: Ms. Leithead-Todd
1st Reading: April 17, 2002

PASSED 2ND & FINAL READING

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

1 NO: Councilmember Jacobson

1 ABSENT & EXCUSED: Councilmember Yagong

Bill 195: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code)
(Draft 2) of the Hawai'i County Code, by changing the district classification from Agricultural
(A-5a) to Single Family Residential (RS-20) at Kalaoa 4th, North Kona, Hawai'i,
covered by Tax Map Key 7-3-5:30.
{Ellen M. Garver, applicant.}

Re: Comm. 553.1
Intr. by: Ms. Leithead-Todd
1st Reading: April 17, 2002

PASSED 2ND & FINAL READING

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

1 NO: Councilmember Jacobson

1 ABSENT & EXCUSED: Councilmember Yagong

Bill 198: 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 \$230,900 in the Federal Grants - Hawai'i Impact Grant account; and appropriates same to the Hawai'i Impact Grant account. }

Re: Comm. 558
Intr. by: Mr. Chung
1st Reading: April 17, 2002

PASSED 2ND & FINAL READING

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Yagong

Bill 199: Amends Chapters 20 and 21 of the Hawai'i County Code 1983 (1995 Edition), to replace references to the Department of Public Works with the Department of Environmental Management, and to add definitions of Environmental Management Commission.

Re: Comm. 566
Intr. by: Mr. Yagong
1st Reading: April 17, 2002

PASSED 2ND & FINAL READING

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Yagong

Bill 205: Amends Chapter 22, of the Hawai'i County Code 1983 (1995 Edition), relating to Streets and Sidewalks. (This bill proposes significant changes to Chapter 22, Hawai'i County Code, "Streets and Sidewalks". This bill repeals the chapter and replaces it with an amended and reorganized chapter consisting of nine articles. The bill contains virtually the same substance as Bill 225, Draft 6 [please refer to the previous Council agendas dated December 19, 2001; February 21, 2002; and March 8, 2002], vetoed by the Mayor on March 25, 2002, because of concerns relating to building numbering and penalties. This bill differs from Bill 225, Draft 6, as follows: 1) deletion of final paragraph of purpose and intent clause; 2) deletion of Article 5, Division 2, on Building Numbering; 3) deletion of minimum administrative fine in §22-8(c)(4) & (5); 4) deletion of misdemeanor criminal fine; 5) addition of subsection to decriminalize violations of Article 3, "Use of County Streets"; and 6) deletion of sections creating liens on properties resulting from unpaid fines and costs.);

Re: Comm. 580
 Intr. by: Mr. Elarionoff
 1st Reading: April 17, 2002

and

AMENDED TO DRAFT 2 & PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Yagong

Comm. 580.2: From Councilmember Bobby Jean Leithead-Todd, to Mayor Harry Kim, dated April 17, 2002, transmitting a copy of a letter from Charles Hanson, dated April 15, 2002;

CLOSE FILE

and

Comm. 580.3: From Councilmember Leningrad Elarionoff, to Mayor Harry Kim, dated April 17, 2002, transmitting copies of testimony from Clyde Nagata (Hawai'i Electric Light Company), dated April 17, 2002, and Paul Oshiro (Verizon Hawai'i), dated February 28, 2002;

CLOSE FILE

and

Comm. 580.4: From Mayor Harry Kim, dated April 20, 2002, responding to Councilmember Elarionoff's April 17, 2002, letter.

CLOSE FILE

REPORTS

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

APPROVED

FC Rept. 215: Recommends the acceptance of a \$232 donation from the Potluckers Golf Club (for the
(C-583) Pana'ewa Rainforest Zoo).

APPROVED

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. 144.5: EXECUTIVE SESSION – UPW VS. COUNTY OF HAWAI'I, ET AL. CIVIL
NO. 98-244 (PRIVATIZATION OF JANITORIAL AND GROUND
MAINTENANCE WORK)
From Corporation Counsel Lincoln S. T. Ashida, dated April 19, 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, MAY 14, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, MAY 15, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
COUNCIL PUBLIC HEARING (REAL PROPERTY TAX RATES)	5:00 p.m.	COUNCILROOM
	<u>THURSDAY, MAY 16, 2002</u>	
COUNCIL PUBLIC HEARING (REAL PROPERTY TAX RATES)	6:00 p.m.	ROYAL KONA RESORT DISCOVERY ROOM
	<u>WEDNESDAY, MAY 29, 2002</u>	
PLANNING COMMITTEE GENERAL PLAN WORKSHOP	9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 12:04 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 by April 29, 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, May 8, 2002, at 6 p.m.; Sunday, May 12, 2002, at 10:30 a.m.; and Wednesday, May 15, 2002, at 6 p.m.