

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*

40th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

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

INVOCATION

Reverend Richard Ragle of the Hilo Church of the Nazarene

CALL TO ORDER

9:10 a.m.

ROLL CALL

All present, except for Councilmembers Jacobson, Pisicchio, Safarik and Yagong

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(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

BILLS FOR ORDINANCES (FIRST READING)

Bill 81: Amends Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (1985 Edition), as amended, relating to height limits in North Kona Commercial Zone (CG) Districts;

Re: Comm. 283
Intr. by: Ms. Leithead-Todd
Approved: PC-88

and

PASSED 1ST READING

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

NOES: None

4 ABSENT & EXCUSED: Councilmembers Jacobson, Picicchio, Safarik and Yagong

Comm. 283.4: From Marjorie Erway, dated June 22, 2002;

and

CLOSE FILE

Comm. 283.5: From Josephine Keliipio, dated June 24, 2002.

CLOSE FILE

Bill 157: Amends Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (1985 Edition)
(Draft 5) relating to nonconforming uses and buildings.
{This bill relates to replacing, repairing and reconstructing of a multiple-family building or use when the non-conforming situation is the consequence of an amendment to the general plan and associated zoning.}

Re: Comm. 480.6
Intr. by: Ms. Leithead-Todd
Approved: PC-85

AMENDED TO DRAFT 6 & PASSED 1ST READING

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

NOES: None

4 ABSENT & EXCUSED: Councilmembers Jacobson, Pisicchio, Safarik and Yagong

Bill 222: Amends Chapter 5-1,0,2,a. of the Hawai'i County Code 1983 (1995 Edition) relating
(Draft 2) to the application of the Uniform Building Code to existing buildings and structures;

Re: Comm. 635.1
Intr. by: Mr. Chung
Approved: PWIRC-52

and

AMENDED TO DRAFT 3 & PASSED 1ST READING

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

NOES: None

4 ABSENT & EXCUSED: Councilmembers Jacobson, Pisicchio, Safarik and Yagong

Comm. 632.9: From Patrick Seguirant, dated June 22, 2002.
DEFERRED to agendize with Bill 220 (C-632) at a future date

Bill 224: Amends Section 25-8-7 (North and South Kohala Districts 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 6-2-7:2.
{Hawai'i Preparatory Academy, applicant.}

Re: Comm. 642.1
Intr. by: Ms. Leithead-Todd
Approved: PC-87

AMENDED TO DRAFT 3 & PASSED 1ST READING

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

NOES: None

4 ABSENT & EXCUSED: Councilmembers Jacobson, Pisicchio, Safarik and Yagong

Bill 228: Amends Chapter 19, Article 11, Section 19-90(g), Hawai'i County Code 1983
(1995 Edition) relating to the minimum tax.
{This bill seeks to create a more equitable distribution of County revenue collections
amongst all property owners by raising the minimum of the Homeowners Class from
\$25 to \$100.}

Re: Comm. 653
Intr. by: Mr. Chung (B/R)
Approved: FC-241

DEFERRED

Bill 239: Amends Ordinance No. 02-77, as amended, relating to public improvements and
financing thereof for the fiscal year July 1, 2002, to June 30, 2003. {Increases the
PUBLIC WORKS Pū'āinakō Street Extension (Komohana to Country Club) – State
(\$1,500,000); funds to be provided from Fund Balance – Designated (\$1,500,000).}
(This is the State's portion of the funding necessary to cover the \$7,500,000 in change
orders for the existing construction contracts due to differing site conditions and
pavement/shoulder upgrades. The Federal portion of this project's funding has already
been appropriated.)

Re: Comm. 681
Intr. by: Mr. Chung
Waived: FC

DEFERRED

ORDER OF THE DAY (SECOND OR FINAL READING)

Res. 215-02: Provides for the acquisition of private properties and easements, situate in the district of North Kona, County and State of Hawai'i, for the Kahului-Keauhou Parkway.
(Draft 2)

Re: Comm. 639.1

Intr. by: Mr. Elarionoff

1st Reading: June 19, 2002

AMENDED TO DRAFT 3 & PASSED 2ND & FINAL READING

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

NOES: None

4 ABSENT & EXCUSED: Councilmembers Jacobson, Pisicchio, Safarik and Yagong

Bill 216: Amends Chapter 24, Article 4, Section 24-19, Hawai'i County Code (1995 Edition), relating to Vehicle Registration.
{Establishes a new annual County registration fee and increases related vehicle fees.}

Re: Comm. 627

Intr. by: Mr. Chung (B/R)

1st Reading: June 19, 2002

DEFERRED

Bill 219: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Proposed Yield location at Pôhâkea Road Bridge - Pôhâkea Homestead Road, Pa'auilo.}

Re: Comm. 631

Intr. by: Mr. Elarionoff

1st Reading: June 19, 2002

PASSED 2ND & FINAL READING

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

NOES: None

4 ABSENT & EXCUSED: Councilmembers Jacobson, Pisicchio, Safarik and Yagong

Bill 221: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition) relating to Vehicles and Traffic.
{Proposed No Parking Zone - Southwest side of Aupuni Street by the back entrance to Aupuni Center.}

Re: Comm. 634
Intr. by: Mr. Elarionoff
1st Reading: June 19, 2002

DEFERRED

REPORTS

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

APPROVED

PEMC Recommends the approval of the nomination of Ms. Barbara Bell as Director of
Rept. 16: Hawai'i County's Department of Environmental Management.
(Comm. 650)

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. 185.2: EXECUTIVE SESSION – L.T.M. CORPORATION DBA CIVIL-MECHANICAL
CONTRACTORS VS. COUNTY OF HAWAI'I; JAS. W. GLOVER, LTD., ET AL.,
CIVIL NO. 00-1-0163
From Deputy Corporation Counsel Joseph K. Kamelamela, dated June 5, 2002; and

DEFERRED

Comm. 185.3: From Deputy Corporation Counsel Joseph K. Kamelamela, dated June 13, 2002.

DEFERRED

Comm. 651: EXECUTIVE SESSION – VILIARIMO V. COUNTY OF HAWAI'I
From Deputy Corporation Counsel Michael S. Kagami, dated May 26, 2002.

DEFERRED

Comm. 668: EXECUTIVE SESSION – EMORY SPRINGER V. COUNTY OF HAWAI'I, CIVIL
NO. 02-00289 HG/KSC
From Deputy Corporation Counsel Katherine A. Garson, dated June 14, 2002.

DEFERRED

Comm. 672: CLAIM AGAINST THE COUNTY BY MICHAEL LAIMANA
 From Deputy Corporation Counsel Michael S. Kagami, dated June 19, 2002.
DEFERRED

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>WEDNESDAY, JULY 17, 2002</u>	
PLANNING COMMITTEE PUBLIC HEARING (GENERAL PLAN)	6:00 p.m.	HONOKA'A HIGH & INTER. SCHOOL CAFETERIA
	<u>THURSDAY, JULY 18, 2002</u>	
PLANNING COMMITTEE PUBLIC HEARING (GENERAL PLAN)	6:00 p.m.	KOHALA HIGH SCHOOL CAFETERIA
	<u>TUESDAY, JULY 30, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, JULY 31, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, AUGUST 13, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, AUGUST 14, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC**ADJOURNMENT** 10:25 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 July 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, July 10, 2002, at 6 p.m.; Sunday, July 14, 2002, at 10:30 a.m.; and Wednesday, July 17, 2002, at 6 p.m.