

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. 223-02: Authorizes the Director of Finance to execute a grant of easement in favor of the State of Hawai'i for the implementation of the Watershed Plan for the Lower Hâmâkua Ditch, TMK: 3rd/4-7-05:1, 2 and 3.
{The State of Hawai'i requires a right-of-way for a portion of the identified parcel in connection with the implementation of the Watershed Plan for the Lower Hâmâkua Ditch for the purpose of providing water for farmers in the area.}

Re: Comm. 679
Intr. by: Mr. Chung
Approved: FC-245

ADOPTED

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

NOES: None

Res. 225-02: Authorizes a grant of easement for waterline and utility purposes at Pu'ukala and Kaulana, District of North Kona, Island, County and State of Hawai'i, to WB Kukio Resorts, LLC.
{WB Kukio Resorts, LLC, requests a perpetual nonexclusive easement for waterline and utility purposes across the "paper" homestead road (see Exhibit "A") to operate its existing waterline and utility system previously granted by the State of Hawai'i, Department of Land and Natural Resources. This easement shall provide non-potable water service, free of charge, to the County of Hawai'i's West Hawai'i Veteran's Cemetery until that water service is no longer needed.}

Re: Comm. 685
Intr. by: Mr. Tyler
Waived: PWIRC

ADOPTED

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

NOES: None

BILLS FOR ORDINANCES (FIRST READING)

Bill 213: Amends Chapter 23 of the Hawai'i County Code 1983 (1985 Edition) relating to Pre-Existing Lots. {The bill, for purposes of consolidation and resubdivision, denies recognition of "pre-existing" lots: 1. based on leases (except those with a legal dwelling and those continuously leased since 1/8/48 as a separate unit); and 2. created for use as a road lot, railroad right-of-way, flume line, or pole anchor. }

Re: Comm. 608
 Intr. by: Ms. Leithead-Todd
 Approved: PC-82

PASSED 1ST READING

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

NOES: None

Bill 220: Amends Chapter 23 (Subdivision Code) of the Hawai'i County Code, relating to Condominium Property Regimes.
 {Adds new article to Chapter 23, Subdivision Code, relating to the approval of condominium property regimes primarily in the RS, RA, A, FA, IA and APD zoning districts. Includes provisions to: (1) address infrastructure, drainage, flooding concerns, etc.; (2) clarify applicability of zoning regulations to CPR developments; and (3) provide a transitional period for applicants who made initial filings by June 19, 2001 -- one year after Act 251, Session Laws of Hawai'i, 2000, took effect.};

Re: Comm. 632
 Intr. by: Ms. Leithead-Todd
 Approved: PC-86

and

Comm. 632.9: From Patrick Seguirant, dated June 22, 2002. {Deferred: 07/03/02.}
 Comm. 632.12: From Trudy G. Mullins, RA, Century 21, dated July 18, 2002.

Comm. 632.13: From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 22, 2002, transmitting Bill 220, Draft 2;

and

Bill 220:
 (Draft 2) Amends Chapter 23 (Subdivision Code) of the Hawai'i County Code, relating to Condominium Property Regimes.
 {Draft 2 amends Section 23A-20(a), as follows: 1. Deletes "declaration involving the condominium property regimes was filed with the Bureau of Conveyances pursuant to H.R.S. Section 514A-20, or a notice of intent was filed with the real estate commission, pursuant to H.R.S. Section 514A-31, on or before June 19, 2001, and the" from the first sentence; 2. Deletes ". Under this section, the developer may also amend a declaration or notice of intent filed" from the second sentence and joins it with the first by adding ", and," and further deleting ", creating more than two units, to

allow the creation of only two units.”; and 3. Includes the following language: a. “(1) the declaration involving the condominium property regime had been filed with the Bureau of Conveyances, pursuant to H.R.S. section 514A-20, or (2) a notice of intent had been filed with the real estate commission, pursuant to H.R.S. section 514A-31, or (3) fees had been committed for attorneys or surveys directly related to creating a condominium property regime on the lot. b. “Documentary evidence to qualify under paragraph (3) shall be submitted to the director within six months of the approval of this ordinance. (c) “Under this section, the developer may also amend a declaration or notice of intent filed on or before June 19, 2001, creating more than two units, to allow the creation of only two units.”}

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 228: Amends Chapter 19, Article 11, Section 19-90(g), Hawai'i County Code 1983 (1995 Edition) relating to the Minimum Tax.
{Raises the minimum of the Homeowners Class from \$25 to \$100. Allows a property owner receiving a Home Exemption or Totally Disabled Veteran Exemption that results in the minimum tax, and the assessed value of improvements is less than or equal to \$75,000 to have a minimum tax of \$75, \$50 or \$25, depending on the value of improvements.}

Re: Comm. 653
Intr. by: Mr. Chung (B/R)
Approved: FC-241
Deferred: July 3, 2002

PASSED 1ST READING

6 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Picicchio and Tyler

3 NOES: Councilmembers Safarik, Yagong and Chairman Arakaki

NOTE: 2nd and Final Rdg to be held in Kona on 9/25/02

Bill 229: 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: 7-3-5:97 (Approximately 6.904 acres). {Bart T. Cahoon Trust, applicant.}

Re: Comm. 673
 Intr. by: Ms. Leithead-Todd
 Approved: PC-89

PASSED 1ST READING

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
 1 NO: Councilmember Jacobson

Bill 230: 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) to Single Family Residential (RS-15) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key: 7-3-5:97 (Approximately 6.904 acres). {Bart T. Cahoon Trust, applicant.};

Re: Comm. 673.2
 Intr. by: Ms. Leithead-Todd
 Approved: PC-90

and
 Comm. 673.3: From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 16, 2002, transmitting Bill 230, Draft 4;

and
 Bill 230: Amends Section 25-8-3 (North Kona District Zone Map), Article 8, Chapter 25
 (Draft 4) (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Single Family Residential (RS-15) at Kalaoa 4th, North Kona, Hawai'i, covered by Tax Map Key: 7-3-5:97 (Approximately 6.904 acres). {Bart T. Cahoon Trust, applicant.} (Draft 4 includes the following amendments:
 1. SECTION 2. a. Amends the first sentence to read: "In accordance with Section 25-2-44, Hawai'i County Code, the Council finds the following conditions are:" b. Deletes the last two sentences of the justification portion of SECTION 2. "In this case, a condition to prohibit the construction of a second dwelling is imposed because of concerns over the overall density of the proposed subdivision and to mitigate potential impacts upon public facilities and infrastructure servicing the affected area. Therefore, this change in district classification is conditioned upon the following". c. Reformats the paragraph with some housekeeping changes;
 2. Condition J. Inserts "as well as a notification of additional wastewater requirement for all lots within 1,000 feet of the Kalaoa Well" into the second sentence. Deletes the last sentence "The owner may also impose restrictions on additional dwellings as a private covenant enforceable by the owners."; 3. New Condition K. Inserts language to address the construction noise concerns on Sundays, early morning hours, and late

evening hours. "All construction activity involving the use of heavy equipment or machinery relating to the development of the subdivision and any structures thereon shall be prohibited on Sundays, provided further that no construction activity shall occur on any day before 7:00 a.m. and after 5 p.m."; and 4. Renumbers the remaining conditions.)

PASSED 1ST READING

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
1 NO: Councilmember Jacobson

Bill 233: 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 Waiaha 1st, North Kona, Hawai'i, covered by Tax Map Key: 7-5-17:Portion of 7 (Approximately 4.979 acres). {U of N Bencorp, applicant.}

Re: Comm. 675
Intr. by: Ms. Leithead-Todd
Approved: PC-91

PASSED 1ST READING

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

(Note: The following Bill 234 inadvertently stated that the district classification was being changed from an Agricultural (A-1a) to an Urban (RM-4) zoning district. At the Planning Committee held on July 2, 2002, the Chair requested the Planning Department submit a replacement bill. However, replacement Bill 242 was not received in time for their meeting. Therefore, Bill 242 has been waived to Council for consideration and the Planning Committee recommends Bill 234 be filed.)

Bill 234: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agriculture (A-1a) to urban (RM-4) at Waiaha 1st, North Kona, Hawai'i, covered by Tax Map Key: 7-5-17:Portion of 7 (Approximately 4.979 acres). {U of N Bencorp, applicant.};

Re: Comm. 675
Intr. by: Ms. Leithead-Todd
Filed: PC-92

and

FILED (and all related communications)

- Comm. 675.9: From Sandra Doherty, dated April 28, 2002;
- Comm. 675.12: Copy of letter to Kona Hillcrest homeowners from Mark R. Spengler, President and CEO, Hualalai Village, dated April 2002;
- Comm. 675.14: Copy of West Hawai'i Today newspaper article, written by Bobby Command, dated May 2, 2002;
- Comm. 675.18: From Janellen Poggioli, dated April 30, 2002;
- Comm. 675.1: From Nolan and Jacqueline Correa, dated May 6, 2002;
- Comm. 675.2: From Karen Caron, Hillcrest Subdivision Home Owner, dated April 20, 2002;
- Comm. 675.3: From Kathryn Ward-Smith, dated April 23, 2002;
- Comm. 675.4: From Venerando Utrera Sr., dated April 18, 2002;
- Comm. 675.5: From Kenneth and Jean Takaki, dated April 15, 2002;
- Comm. 675.6: From Gay Okada, dated May 2, 2002;
- Comm. 675.7: From Kathleen Kuikahi, dated April 30, 2002;
- Comm. 675.8: From Lisa Choquette, Dive Makai Charters, and Thomas E. Shockley, dated May 1, 2002;
- Comm. 675.10: From Mrs. Jack Loando, Sr., dated April 29, 2002;
- Comm. 675.11: From Kenneth K. Akana, dated April 26, 2002;
- Comm. 675.13: From Albert David, dated April 30, 2002;
- Comm. 675.15: From Glenn Y. Yano, dated April 22, 2002;
- Comm. 675.16: From Manuel Belanio, Jr., dated April 24, 2002;
- Comm. 675.17: From Zane Fujimoto, dated April 28, 2002;
- Comm. 675.19: From Robert K. & Brenda Torricer, dated May 1, 2002;
- Comm. 675.20: Copy of letter to Mr. Mark Spengler, President and CEO, Hualalai Village, from Karen Caron, Hillcrest Subdivision Home Owner, dated April 25, 2002;

and

- Bill 242: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-1a) to Multiple Family Residential (RM-4) at Waiaha 1st, North Kona, Hawai'i, covered by Tax Map Key: 7-5-17:Portion of 7 (Approximately 4.979 acres).
{U of N Bencorp, applicant.};

Re: Comm. 675.21
Intr. by: Ms. Leithead-Todd
Waived: PC

and

- Comm. 675.22: From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 22, 2002, transmitting Bill 242, Draft 2;

and

- Bill 242: 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-1a) to Multiple Family Residential (RM-4) at Waiaha 1st, North Kona, Hawai'i, covered by Tax Map Key: 7-5-17: Portion of 7 (Approximately 4.979 acres).
{U of N Bencorp, applicant.} (Draft 2 includes the following amendments:
1. SECTION 2. Amends the first sentence of SECTION 2 by inserting "standard"

language to read “In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:”; 2. SECTION 2. Deletes the last two sentences of part (B) “In this case, a condition to prohibit the construction of a second dwelling is imposed because of concerns over the overall density of the proposed subdivision and to mitigate potential impacts upon public facilities and infrastructure servicing the affected area. Therefore, this change in district classification is conditioned upon the following:”; 3. SECTION 2. Includes some housekeeping amendments in the text of the justification portion; 4. Condition E. Amends the second sentence to read: “The applicant shall [extend] design Road D [to the south to provide a] so that a future physical connection with [the] Lelehuna Street stub-out within the Kona Hillcrest Subdivision [in a manner meeting with the approval of the Department of Public Works. A knock-down barricade or other form of acceptable barrier to vehicular traffic shall be erected by the applicant upon completion of this roadway connection and shall be removed at any time upon request by the Planning Director. Prior to requesting removal of this vehicular barrier, the Planning Director shall first consult with appropriate representatives of the Hualalai Villages condominium complex and Kona Hillcrest Subdivision. The Lelehuna Street vehicular barrier shall not be removed unless another through-connection has been constructed between the upper portion of Hualalai Road and Kuakini Highway.] can be constructed to provide for pedestrian and bicycle access. This future connection may be used for emergency vehicles but shall be barricaded to prevent through public vehicular traffic.; 5. Condition E. Deletes the final sentence “The applicant shall dedicate Road D, in its entirety, to the County of Hawai'i upon request by the Planning Director.”; 6. Condition G. Amends the language to read: “[A] If required by the Director of Public Works, a drainage study of the project site and immediately surrounding area [,including an assessment of a proposed storm sewer to be located within project site as recommended by The Master Plan for Kailua-Kona,] shall be [conducted by the applicant and approved by the Department of Public Works,] provided prior to the [submittal of plans for] issuance of Final Plan Approval [Review]. Drainage improvements within the project site, if required, shall be constructed meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy [for any portion of multiple family residential project].; 7. Condition K. Includes the fair share contributions; and 8. Condition N. Inserts “Hawai'i County” for clarification purposes.)

AMENDED TO DRAFT 3 & PASSED 1ST READING

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

NOES: None

Bill 235: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Family Agricultural (FA-2a) at Kapalaalaea 2nd, North Kona, Hawai'i, covered by Tax Map Key: 7-7-7:46 (Approximately 5.001 acres). {Yoshiko & Sasan Bakhtiary, applicant.};

Re: Comm. 676
Intr. by: Ms. Leithead-Todd
Approved: PC-93

and

Comm. 676.1: From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 17, 2002, transmitting Bill 235, Draft 2;

and

Bill 235: 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 Family Agricultural (FA-2a) at Kapalaalaea 2nd, North Kona, Hawai'i, covered by Tax Map Key: 7-7-7:46 (Approximately 5.001 acres). {Yoshiko & Sasan Bakhtiary, applicant.} (Draft 2 includes the following amendments: 1. SECTION 2. Amends the first sentence of SECTION 2 by inserting "standard" language to read "In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:" and deleting the existing language; 2. SECTION 2. Includes some housekeeping amendments in the text of the justification portion; and 3. Condition I. Inserts "Hawai'i County" for clarification purposes.)

PASSED 1ST READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Safarik and Yagong

Bill 236: Amends Ordinance No. 94-56, which reclassified lands from Agricultural (A-5a) to Neighborhood Commercial (CN-10) zoned district at Pu'ukapu, Waimea, South Kohala, Hawai'i, covered by Tax Map Key: 6-4-24:22 (Approximately 26.585 square feet.) {Toisan Associates, a Hawai'i Limited Partnership, applicant.}

Re: Comm. 677
Intr. by: Leithead-Todd
Approved: PC-94

AMENDED TO DRAFT 2 & PASSED 1ST READING

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

NOES: None

3 ABSENT & EXCUSED: Councilmembers Chung, Safarik and Yagong

Bill 237: Amends Section 25-95-E (Lalamilo-Pu'ukapu Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Neighborhood Commercial (CN-10) at Pu'ukapu, Waimea, South Kohala, Hawai'i, covered by Tax Map Key: 6-4-24:23 (Approximately 21,934 square feet). {Toisan Associates, a Hawai'i Limited Partnership, applicant.};

Re: Comm. 678
 Intr. by: Ms. Leithead-Todd
 Approved: PC-95

and
 Comm. 678.1: From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 17, 2002, transmitting Bill 237, Draft 2;

and
 Bill 237: Amends Section 25-95-E (Lalamilo-Pu'ukapu 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 Pu'ukapu, Waimea, South Kohala, Hawai'i, covered by Tax Map Key: 6-4-24:23 (Approximately 21,934 square feet). {Toisan Associates, A Hawai'i Limited Partnership, applicant.}
 (Draft 2 includes the following amendments: 1. SECTION 2. Amends the first sentence of SECTION 2 by inserting "standard" language to read "In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:" and deleting the existing language; and 2. SECTION 2. Includes some housekeeping amendments in the text of the justification portion.)

AMENDED TO DRAFT 3 & PASSED 1ST READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Safarik and Yagong

Bill 238: Initiates a Charter Amendment of the Hawai'i County Charter (2000), relating to the organization of the Council; Officers; Employees.
 {Removes the position of deputy county clerk in Section 3-6(b)(4) and further states that in the absence of the county clerk, the legislative auditor shall assume the duties of the county clerk.}

Re: Comm. 680
 Intr. by: Mr. Yagong
 Negative: FC-246
 2/3 Vote: Section 15-1(a), Hawai'i County Charter

FILED

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'āinaka 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: July 3, 2002
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Safarik and Yagong

ORDER OF THE DAY (SECOND OR FINAL 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
 1st Reading: July 3, 2002

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Safarik and Yagong

Bill 157: Amends Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (1985 Edition)
 (Draft 6) 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. 480.7
 Intr. by: Ms. Leithead-Todd
 1st Reading: July 3, 2002

and

- Comm. 480.8 From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 22, 2002, transmitting Bill 157, Draft 7;
- and
- Bill 157: Amends Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (1985 Edition) relating to nonconforming uses and buildings.
(Draft 7) {Draft 7 amends the proposal, as follows: 1. Section 25-4-65.1 "...if the applicable zoning would [only] permit construction of a single-family residence, provided the repair or reconstruction otherwise complies with the current building code."}
- PASSED 2ND & FINAL READING**
- 8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
- 1 NO: Councilmember Jacobson
- 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: July 3, 2002
- PASSED 2ND & FINAL READING**
- 7 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Tyler and Chairman Arakaki
- NOES: None
- 2 ABSENT & EXCUSED: Councilmembers 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: July 3, 2002
- PASSED 2ND & FINAL READING**
- 5 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio and Chairman Arakaki
- 2 NOES: Councilmembers Chung and Tyler
- 2 ABSENT & EXCUSED: Councilmembers Safarik and Yagong

Bill 222: Amends Chapter 5-1.0.2.a. of the Hawai'i County Code 1983 (1995 Edition) relating
(Draft 3) to the application of the Uniform Building Code to existing buildings and structures;

Re: Comm. 635.2
Intr. by: Mr. Chung
1st Reading: July 3, 2002

and
Comm. 635.3 From Councilmember Aaron S. Y. Chung, dated July 12, 2002, transmitting Bill 222,
Draft 4;

and
Bill 222: Amends Chapter 5-1.0.2.a. of the Hawai'i County Code 1983 (1995 Edition) relating
(Draft 4) to the application of the Uniform Building Code to existing buildings and structures.
{Draft 4 deletes the word "only" from the third exception, as follows: "A
multiple-family building, when the non-conforming situation is the consequence of an
amendment to the general plan and associated zoning, may be repaired or reconstructed
to its as-built density, height and setbacks, if the applicable zoning would [only] permit
construction of a single-family residence, provided the repair or reconstruction
otherwise complies with the current Building Code."}

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Chung, Elarionoff, Leithead-Todd, Pisicchio, Safarik, Tyler,
Yagong and Chairman Arakaki
1 NO: Councilmember Jacobson

Bill 224: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8,
(Draft 3) 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 (Approximately
5.000 acres). {Hawai'i Preparatory Academy, applicant.};

Re: Comm. 642.2
Intr. by: Ms. Leithead-Todd
1st Reading: July 3, 2002

and
Comm. 642.3 From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 17, 2002,
transmitting Bill 224, Draft 4;

and
Bill 224: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8,
(Draft 4) 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 (Approximately
5.000 acres). {Hawai'i Preparatory Academy, applicant.} (Draft 4 includes the
following amendments: 1. SECTION 2. Amends the first sentence of SECTION 2 by

inserting "standard" language to read "In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:" and deleting the existing language; 2. SECTION 2. Includes some housekeeping amendments in the text of the justification portion; 3. Deletes "SECTION 3. This change in district classification is conditioned upon the following:"; 4. Condition D. Deletes the sentence "The owner of the property may, in addition, impose private covenants restricting the number of dwellings."; and 5. Condition G. Inserts "Hawai'i County" for clarification purposes.)

PASSED 2ND & FINAL READING

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

1 NO: Councilmember Jacobson

2 ABSENT & EXCUSED: Councilmember Safarik and Yagong

REPORTS

FC Rept. 242: Recommends the confirmation of Ms. Sharon L. Cislo to the County of Hawai'i Board of Ethics.
(C-670)

APPROVED

FC Rept. 243: Recommends the confirmation of Clayton K. Yugawa as County of Hawai'i Director of Data Systems.
(C-671)

APPROVED

FC Rept. 244: Recommends the acceptance of two 6-foot hi-back recycled plastic park benches from the Rotary Club of Kona for the West Hawai'i Veterans Cemetery.
(C-666)

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. Note: 2/3 Vote - Pursuant to §92-4, HRS, and Rule 12 of Rules of Procedure of the County Council.)

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: July 3, 2002

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

Deferred: July 3, 2002

Comm. 185.4: From Deputy Corporation Counsel Joseph K. Kamelamela, dated July 9, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

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

Deferred: July 3, 2002

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

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: July 3, 2002

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

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

Deferred: July 3, 2002

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 628.1: KONISHI VS. COUNTY OF HAWAI'I
From Deputy Corporation Counsel Michael S. Kagami, dated July 18, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 682: CLAIM AGAINST THE COUNTY BY ROBERTS HAWAI'I
From Deputy Corporation Counsel Michael S. Kagami, dated June 24, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 687: RUSSELL VS. COUNTY OF HAWAI'I, CIVIL NO. 97-00379 DAE/BMK
From Deputy Corporation Counsel Joseph K. Kamelamela, dated July 3, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 688: REQUEST FOR LEGAL COUNSEL IN FEP NO. WH-11252;
EEOC 37B-A2-000157
From Corporation Counsel Lincoln S. T. Ashida, dated July 12, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL TO DEFER

Comm. 695: RICHARD ADAM V. WAYNE CARVALHO, ET. AL., CIVIL NO. 98-00528
HG/BK IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
HAWAI'I

From Deputy Corporation Counsel Katherine A. Garson, dated July 16, 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>FRIDAY, AUGUST 2, 2002</u>	
COUNCIL PUBLIC HEARING (WATER IMPROVEMENT DISTRICT - RESOLUTION 220-02)	6:00 p.m.	KEALAKEHE INTERMEDIATE SCHOOL
	<u>TUESDAY, AUGUST 13, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, AUGUST 14, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, AUGUST 27, 2002</u>	
COMMITTEES	TBA (postponed to August 28, 2002)	COUNCILROOM
	<u>WEDNESDAY, AUGUST 28, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>THURSDAY, AUGUST 29, 2002</u>	
COMMITTEES	TBA	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 4:49 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 July 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, August 7, 2002, at 6 p.m.; Sunday, August 11, 2002, at 10:30 a.m.; and Wednesday, August 14, 2002, at 6 p.m.