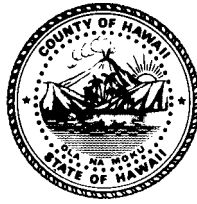


Leningrad Elarionoff
Chair

Dominic Yagong
Vice Chair



Aaron S.Y. Chung, *Member*
James Y. Arakaki, *Member*
Julie Jacobson, *Member*
Bobby Jean Leithead-Todd, *Member*
Nancy Pisticchio, *Member*
Gary Safarik, *Member*
J. Curtis Tyler, III, *Member*

**HAWAII COUNTY COUNCIL
COMMITTEE ON PUBLIC WORKS &
INTERGOVERNMENTAL RELATIONS
36th Session**

DATE: November 7, 2002 (Thursday)
PLACE: Councilroom
TIME: 9:00 a.m.

(Note: Please turn cell phones, pagers and other mobile communication devices on silent mode.)

CALL TO ORDER

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

REFERRALS

Comm. 777: SIGN VARIANCE REQUEST – THE HOME DEPOT STORE IN KONA FOR TWO WALL-TYPE SIGNS ON A SINGLE WALL AND A SECOND SIGN ABOVE A SECOND ENTRANCE TO READ “INDOOR LUMBER YARD”

From Ted Pirsig, owner, Volcano Neon Electric Signs, dated October 3, 2002, requesting a sign variance for the Home Depot’s new store in Kona, to allow two wall-type signs on a single wall. In addition to a main entrance sign, for which a sign permit has already been granted, there is a need for a second sign above a second entrance, to read “Indoor Lumber Yard.”

The Building Division denied their request for the second sign because they stated this property is located in a commercially zoned area, and that the Hawai‘i County Sign Code, Section 3-29 (5) states a limitation of one wall sign, lighted or unlighted, per side of rear of a building.

Mr. Pirsig lists a number of reasons why he feels a variance from this restriction is appropriate.

Comm. 797:
(Bill 278)

AN ORDINANCE AMENDING CHAPTER 24, ARTICLE 8, DIVISION 6, OF THE HAWAI'I COUNTY CODE 1983 (1995 EDITION),
RELATING TO PARKING FOR DISABLED PERSONS

From Council Chair James Y. Arakaki, dated October 28, 2002, transmitting the above bill amending Chapter 24, Article 8, Division 6, of the Hawai'i County Code by repealing Division 6 in its entirety and replacing it with a new Division 6 entitled "Parking for Persons with Disabilities."

(This bill, which was introduced at the request of the Disability and Communication Access Board of the State of Hawai'i, conforms provisions of the Hawai'i County Code to those contained in Chapter 291, Part III of the Hawai'i Revised Statutes, and Chapter 11-219, Hawai'i Administrative Rules. This bill repeals the six sections which comprise Chapter 24, Division 6 of the Hawai'i County Code, and replaces them with eight new sections which are consistent with State law, including but not limited to sections which require a \$10 charge for windshield placards and which subject violators to fines of \$250 to \$500.)

Comm. 790:

COUNCIL'S 2003 STATE LEGISLATIVE PROGRAM

From Council Chairman James Y. Arakaki, dated September 7, 2002, informing that the Council will begin formulating the 2003 State Legislative Package. Requests that written proposals, bills or concepts, be submitted to the Public Works and Intergovernmental Relations Committee for discussion.

Comm. 790.1:

From Council Member Bobby Jean Leithead-Todd, dated October 25, 2002, submitting proposals she would like included in the Council's 2003 Legislative Package.

UNFINISHED BUSINESS:

Bill 280: AMENDS CHAPTER 3, OF THE HAWAI‘I COUNTY CODE,
 (C-454.13) BY REPEALING ARTICLE 1 – RELATING TO SIGNS,
 (1998) ADDING A NEW ARTICLE 1– RELATING TO SIGNS, AND AMENDING
ARTICLE 2 – RELATING TO KAILUA VILLAGE SIGNS

Intr. By: Mr. Reynolds

REPEALS Article 1, Chapter 3, Hawai‘i County Code, which presently consists of 33 sections, and **REPLACES** it with a new Article 1, which contains 46 sections. A complete copy of a summary of the differences between the proposed new Article and the existing code is contained in Communication No. 454.13 attached to this draft. Major changes involve or include but are not limited to the following items or subjects: new definitions, renumbering sections, limits on number of signs permitted, outdoor lighting, variances, fees, wind resistance, projecting signs, enforcement and special community design plans. This bill also **AMENDS** two sections of Article 2, Chapter 3, Hawai‘i County Code, to add a specific cross reference relating to the boundaries of Kailua Village and by authorizing the Planning Director to issue variances for Kailua Village rather than the Planning Commission.)

(Council referred Bill 280, along with C-454.19 (Bill 280, D. 2) and C-454.20 back to PW&PC – 09/02/98)

Comm. 454.19: From Councilman J. Curtis Tyler, III, dated September 1, 1998,
 (Bill 280, transmitting Bill 280, Draft 2, which contains a number of
 Draft 2) substantive changes to address certain major concerns which
 (1998) consistently surfaced during public hearings and testimony, and a number of less
 substantive revisions are proposed to further clarify definitions and other sections
 of the bill. Also attaches a summary of the proposed amendments.

(REPEALS Article 1, Chapter 3, Hawai‘i County Code, which presently consists of 33 sections, and **REPLACES** it with a new Article 1, which contains 47 sections. A complete copy of a summary of the differences between this draft and the bill as introduced is contained in Communication No. 454.19 attached to this draft. Major changes between this draft and the bill as introduced involve or include but are not limited to the following subjects: definitions, type, number and size of signs, prohibited signs, exempt signs, signs allowed with permits, ground signs, marquee signs, projecting signs, wall signs, window signs, sign height, signs erected prior to passage of this new Article, penalty and educational material. This bill also **AMENDS** Article 2, Chapter 3, Hawai‘i County Code, by authorizing the County Council rather than the Planning Director or Planning Commission to issue variances for Kailua Village).

- Comm. 454.10:
(1998) From Sandra Scarr, Vice President for Public Affairs, Kona Outdoor Circle, dated August 3, 1998, transmitting their comments and recommendations on revisions to the Sign Code (Bill 280).
- Comm. 454.11:
(1998) From Councilman Joe Reynolds, dated August 4, 1998, transmitting a draft bill to amend Chapter 3, Hawai'i County Code, relating to signs. The draft bill is based on the discussion draft bill prepared for the Committee by the Legislative Auditor's Office and it contains changes which were made in response to comments received regarding the discussion draft. A summary of these changes is attached.
- Comm. 454.12:
(1998) From Sherry L. Bracken, dated August 3, 1998, stating she supports the comments submitted by the Kona Outdoor Circle and by Vonnie Lyons on Bill 280 and also suggests additional comments of her own.
- Comm. 454.14:
(1998) From Sherry L. Bracken, Sign Committee Chairman, Kona Outdoor Circle, dated August 17, 1998, submitting several suggestions which the KOC's Sign Committee prepared as a summary of the comments and replies received from several community members on the latest proposed bill repealing the sign ordinance.
- Comm. 454.15:
(1998) From Sherry L. Bracken, dated August 17, 1998, submitting her personal views on the proposed sign ordinance revisions.
- Comm. 454.16:
(1998) From Karin Hazelhoff, First Vice President, Waimea Outdoor Circle, speaking for Na Leo Pohai, the Public Policy Affiliate of The Outdoor Circle, dated August 18, 1998, submitting a list of issues and possible suggestions regarding Bill 280.
- Comm. 454.17:
(1998) From Alexandra Bernstein, dated August 17, 1998, transmitting her comments and recommendations on Bill 280.
- Comm. 454.20:
(1998) From Corporation Counsel Richard D. Wurdeman, dated August 31, 1998, responding to PWPC Chair Yagong's memo on whether the provision of Bill 280 which exempts real estate signs from the provisions of the Bill makes it constitutionally questionable. Submits Corporation Counsel's Opinion 96-03, relating to election signs in which he pointed out that when sign restrictions are based on content, rather than other more legitimate reasons, the Courts are very unlikely to uphold them. Therefore, recommends that the exemptions for real estate signs be eliminated and be treated as all other signs.
- Comm. 454.21:
(1998) Copy of letter from Councilman J. Curtis Tyler, III, dated September 2, 1998, to interested persons, in which he submits a copy of a proposed Bill 280, Draft 2, and a summary of the proposed changes for their information. Welcomes any suggestions or comments that they may have on the matter.

- Comm. 454.22:
(1998) From Kathrin G. Kohler, President, and Bets Lawrence, Vice President, Waimea Outdoor Circle, dated September 21, 1998, on behalf of the board and members of the Waimea Outdoor Circle, stating their support for Councilman Tyler's draft bill and revisions for the proposed sign ordinance.
- Comm. 454.23:
(1998) From Daniel L. Roudebush, dated September 19, 1998, submitting comments and recommendations on the proposed sign ordinance.
- Comm. 454.24:
(1998) From Richard Waller, dated October 5, 1998, urging the Council to vote in favor of Councilman Curtis Tyler's amendment on the sign ordinance. States it is good protection for our beautiful scenery without harming any businesses.
- Comm. 160:
(1999) From Vonnie Lyons, Public Relations, Etc., dated February 14, 1999, submitting comments on the proposed sign ordinance and urging that Bill 280, Dr. 2, be adopted. She is a member of the Kailua Village Design Commission, which is bound by rules set before them and she is personally against large signs. However, she feels that the industrial area should be in a different category than signs they would approve for Kailua Village itself and feels KVDC would never consider large signs in the Village.
- Comm. 774:
(Bill 280)
(Draft 3) From Council Member J. Curtis Tyler, III, dated October 9, 2002, transmitting the following: Bill 280, Draft 3; a Ramseyer Version and a Summary Chart of Changes regarding Chapter 3- Relating to the Sign Code.

(REPEALS Article 1, Chapter 3, Hawai'i County Code, which presently consists of 33 sections, and **REPLACES** it with a new Article 1, which consists of 48 sections. A summary analyzing the effect of the proposed changes on signs in various districts is contained within Communication 774 attached to this Draft 3. Major changes involve or include but are not limited to the following items or subjects: findings and purpose, definitions, renumbering sections, sign area, changes for clarity; type and number of signs, signs prohibited or permitted in all areas, exempt signs, fees and enforcement. This bill also **AMENDS** Article 2, Chapter 3, Hawai'i County Code. Draft 2 of this bill proposed changes to 2 sections of this article, which relates to signs in the Kailua District. Draft 3 proposes numerous changes to this Article which involve or include but are not limited to: purpose, variances, definitions, the Kailua Industrial Subdivision, administration and enforcement, permit review, variances and penalties.)

STATEMENTS FROM THE PUBLIC/ADJOURNMENT

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8245 by **November 4, 2002**. Persons using TDDs may call 961-8521.

(Copies of this agenda and the communications are posted and filed at the County Clerk's Office, 25 Aupuni St., Hilo; the Office of the Mayor, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona; and the Kona Councilmembers' Office, 77-6399 Nalani St., Suite 104, Kailua-Kona. For further information, please call 961-8245. Those wishing to testify, please register with the County Clerk's staff prior to the convening of the meeting. If possible, submit fifteen (15) written copies of the testimony to staff prior to the convening of the meeting.)

VIEWING OF MEETINGS ON GOVERNMENT ACCESS TELEVISION – Channel 52 (Hilo/Kona)
Public Works & Intergovernmental Relations Committee and Finance Committee meetings – Tuesdays, Nov. 12 and 19, 2002, at 8:30 p.m.; Parks & Environmental Management Committee and Human Services & Economic Development Committee – Thursdays, Nov. 14 and 21, 2002, at 8:30 p.m.; and all four Committee meetings – Sunday, November 24, 2002, at 10:30 a.m.