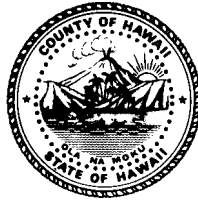


JAMES Y. ARAKAKI
Chairman & Presiding Officer

J. CURTIS TYLER, III
Vice Chairman



AARON S.Y. CHUNG
LENINGRAD ELARIONOFF
FRED C. HOLSCHUH, M.D.
BOB JACOBSON
BOBBY JEAN LEITHEAD-TODD
JOE REYNOLDS
GARY SAFARIK

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

2nd Session

ORDER OF BUSINESS

Hawai'i County Council
King Kamehameha's Kona Beach Hotel
Conference Room 4
75-5660 Palani Road
Kailua-Kona, Hawai'i

Wednesday, December 18, 2002
9:00 a.m.

INVOCATION	Reverend Randy Gant of the Kona Church of the Nazarene
CALL TO ORDER	9:05 a.m.
ROLL CALL	All present except for Mr. Safarik
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	November 8, 2002 - approved

(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. 3: RE-APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE COUNTY OF HAWAI'I'S ENVIRONMENTAL MANAGEMENT COMMISSION:
MARJORIE ERWAY AND CAROLYN WITCHER

From Mayor Harry Kim, dated November 6, 2002, submitting for confirmation the re-appointment of the following individuals to serve on the Environmental Management Commission:

Ms. Marjorie Erway of Council District 7, an 8-year resident of Hawai'i, is not affiliated with any political party. If confirmed, she will serve a term to end on December 31, 2007; and

Ms. Carolyn Witcher of Council District 8, an 11-year resident of Hawai'i, is a member of the Republican Party. If confirmed, she will serve a term to end on December 31, 2007.

Waived: PEMC

APPROVED

Comm. 4: APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE COUNTY OF HAWAI'I'S KAILUA VILLAGE DESIGN COMMISSION: KATHLEEN J. McMILLEN, MILTON K. MORINAGA, MARGO ELLIOPOULOS, MAILE B. MELROSE, GEORGE IWASAKI AND WILLIAM E. COWELL

From Mayor Harry Kim, dated November 7, 2002, submitting for confirmation the following individuals to serve on the Kailua Village Design Commission:

Ms. Kathleen J. McMillen of Council District 7, an 11-year resident of Hawai'i, is the Office Administrator of KKM Survey, and is a member of the Democratic Party. If confirmed, she will serve a term to end on December 31, 2006;

Mr. Milton K. Morinaga of Council District 8, a 30-year resident of Hawai'i, is the Construction Manager of WB Kukio Resorts, and is not affiliated with any political party. If confirmed, he will serve a term to end on December 31, 2006;

Ms. Margo Elliopoulos of Council District 8, a 24-year resident of Hawai'i, is an officer with Bluewater Cuisine Catering, Inc., and is not affiliated with any political party. If confirmed, she will serve a term to end on December 31, 2006;

(Communication 4 is continued on the next page.)

Ms. Maile B. Melrose of Council District 7, a lifelong resident of Hawai'i, is a part-time teacher at Waimea School, and is not affiliated with any political party. If confirmed, she will serve a term to end on December 31, 2007;

Mr. George Iwasaki of Council District 8, a 48-year resident of Hawai'i, is a self-employed architect with George Iwasaki Architect and Associates, and is a member of the Democratic Party. If confirmed, he will serve a term to end on December 31, 2007; and

Mr. William E. Cowell of Council District 7, a lifelong resident of Hawai'i, is a self-employed Excavation Contractor with West Hawai'i Excavation as well as a self-employed coffee farmer with Kowali Farm, and is not affiliated with any political party. If confirmed, he will serve a term to end on December 31, 2007.

Waived: PC

APPROVED

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

ORDER OF RESOLUTIONS

Res. 262-02: Accepts the dedication of a 303 square-foot roadway parcel (for road right-of-way purposes) from Onno Victor Van't Hof and Catherine Anne Van't Hof-Felsburg, situate at Kalōpā, Hāmākua, County and State of Hawai'i, Tax Map Key (3)4-4-008:060 (Por.), Lot 57-A-2 to the County of Hawai'i.

Re: Comm. 807
Intr. By: Mr. Elarionoff
Approved: PWIRC-64

ADOPTED

6 AYES: Councilmembers Arakaki, Chung, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

3 ABSENT & EXCUSED: Councilmembers Elarionoff, Holschuh and Safarik

Res. 263-02: Authorizes the acceptance of funds from AT&T Wireless Services, Inc., pursuant to Article XIII, Section 13-12, Hawai'i County Charter, for the payment of the costs of constructing a replacement radio system for the Hawai'i County Police Department (\$1,492,350).

Re: Comm. 808
 Intr. By: Mr. Safarik
 Approved: FC-299

ADOPTED

7 AYES: Councilmembers Arakaki, Chung, Holschuh, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

2 ABSENT & EXCUSED: Councilmembers Elarionoff and Safarik

Res. 264-02: Authorizes the Grant of Easements for Easements 2A, 3 and 4A for access purposes, and Easement 2B for utility purposes, located at the Kainaliu Diversion System, Honua'ino 1, North Kona, Island, County and State of Hawai'i, Tax Map Key No.: (3)7-9-009:045, to Adele A. Yamagata and Kevin Harrington (Lot 24); Adele A. Yamagata (Lot 25); Richard A. Matsumoto, Trustee of the Richard A. Matsumoto Trust dated May 27, 1992, and Akemi Matsumoto, Trustee of the Akemi Matsumoto Trust Agreement dated May 27, 1992 (Lot 28); Paulino P. Gampon and Felisa T. Gampon, Trustees of the Gampon Family Revocable Living Trust (Lot 26); Nannette K. Harrington and John W. Doolittle (Lots 46 and 50); Sukeji Yamagata, Trustee of the Sukeji Yamagata Revocable Living Trust dated February 8, 1992, and Betty Toshiko Yamagata, Trustee of the Betty Toshiko Yamagata Revocable Living Trust dated February 8, 1992 (Lot 33); and Lance D. Dassance, Leland Michael Everett and Ida Iliff Perkins (Lot 31).

Re: Comm. 810
 Intr. By: Mr. Elarionoff
 Approved: PWIRC-65

ADOPTED

8 AYES: Councilmembers Arakaki, Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Safarik

Res. 265-02: Authorizes the Office of the Mayor to enter into an agreement with the United States of America, pursuant to HRS 46-7, for a Rural Fire Assistance Grant. {This grant will be used for wildland fire training and equipment purchase, which will benefit the public by having reduced fire loss, increased firefighter safety and training, and a reduction in the occurrence and intensity of wildland fires with the urban interface.}

Re: Comm. 813
Intr. By: Mr. Chung
Approved: FC-303

ADOPTED

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

Res. 19-03: Authorizes a Memorandum of Agreement between the State of Hawai'i, Department of Hawaiian Home Lands and the County of Hawai'i with respect to County services and delinquent real property taxes. {The purpose of this Memorandum of Agreement (Exhibit "A") is to clarify the respective roles, responsibilities, and obligations between the County of Hawai'i and the Department of Hawaiian Home Lands relating to land use planning, infrastructure maintenance, enforcement of laws, and collection of taxes and other fees on Hawaiian home lands.}

Re: Comm. 39
Intr. By: Mr. Arakaki (B/R)
Waived: FC

ADOPTED

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 281: Amends Chapter 2, Article 16, of the Hawai'i County Code 1983 (1995 Edition) Relating to Travel and Other Expenses. {Amends Subsection 2-96(a) of the Hawai'i County Code, by increasing the meal allowance for overnight travel for breakfast (\$5.00), lunch (\$8.00) and dinner (\$15.00).}

Re: Comm. 811
 Intr. by: Mr. Chung
 Negative: FC-301 (due to the vote of 4 ayes, 4 noes & 1 excused)

PASSED 1ST READING

8 AYES: Councilmembers Arakaki, Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Safarik

Bill 282: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$93,800 from Building Permits, \$30,800 from Electrical Permits and \$15,400 from Plumbing Permits, for a total of \$140,000; and appropriates \$60,000 to Building Repair and Maintenance Other Current Expense and \$80,000 to Building Repair and Maintenance Equipment, for a total of \$140,000.}

Re: Comm. 812
 Intr. by: Mr. Chung
 Approved: FC-302

PASSED 1ST READING

7 AYES: Councilmembers Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

2 ABSENT & EXCUSED: Councilmembers Arakaki and Safarik

Bill 283: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates \$5,000 from Federal Grants – Rural Fire Assistance; credits same to the Rural Fire Assistance.}

Re: Comm. 813
 Intr. by: Mr. Chung
 Approved: FC-304

PASSED 1ST READING

7 AYES: Councilmembers Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

2 ABSENT & EXCUSED: Councilmembers Arakaki and Safarik

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 264: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of
(Draft 2) Hawai'i for the fiscal year ending June 30, 2003. {Increases and appropriates revenues of \$22,500 in the Sundry Revenues – Current Year and \$70,000 from the Federal Grants – Erosion & Sediment Control; and appropriates \$22,500 to the Kelly Lawsuit Settlement Compliance and \$70,000 to the Erosion & Sediment Control – Federal.}

Re: Comm. 758.3
Intr. by: Mr. Chung
1st Reading: November 20, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Arakaki, Chung, Elarionoff, Holschuh, Jacobson,
Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Safarik

Bill 273: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of
Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$130,000
in the Federal Grants – Increasing Drug Analysis; and appropriates same to Increasing
Drug Analysis Expenditure account.}

Re: Comm. 785
Intr. by: Mr. Chung
1st Reading: November 20, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Arakaki, Chung, Elarionoff, Holschuh, Jacobson,
Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Safarik

Bill 274: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of
Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$75,000
in the Federal Grants – Pre-Disaster Mitigation – GIS Street Layer; and appropriates
same to the Pre-Disaster Mitigation – GIS Street Layer Project.}

Re: Comm. 792
Intr. by: Mr. Chung
1st Reading: November 20, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Arakaki, Chung, Elarionoff, Holschuh, Jacobson,
Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

1 ABSENT & EXCUSED: Councilmember Safarik

Bill 275: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$30,000 in the Federal Grants – Pre-Disaster Mitigation – GIS Spatial Growth Model; and appropriates same to the Pre-Disaster Mitigation – GIS Spatial Growth Model Project.}

Re: Comm. 794
Intr. by: Mr. Chung
1st Reading: November 20, 2002

PASSED 2ND & FINAL READING

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

Bill 276: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$35,400 in the Federal Grants – Flood Hazard Mitigation; and appropriates same to the Flood Hazard Mitigation.}

Re: Comm. 795
Intr. by: Mr. Chung
1st Reading: November 20, 2002

PASSED 2ND & FINAL READING

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

Bill 277: Amends Chapter 4, Hawai'i County Code, 1983 (1995 Edition), as amended, relating to Animals and the Regulation of Dangerous Dogs.
(Draft 5)

Re: Comm. 796.4
Intr. by: Ms. Pisicchio
1st Reading: November 20, 2002

PASSED 2ND & FINAL READING

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

Bill 278: Amends Chapter 24, Article 8, Division 6, of the Hawai'i County Code 1983 (1995 Edition), relating to Parking for Disabled Persons. {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.};

Re: Comm. 797.1
 Intr. by: Mr. Arakaki
 1st Reading: November 20, 2002

and
 Comm. 34: From Francine Wai, dated December 6, 2002, submitting testimony from Dean M. Georgiev, Chairperson, Disability and Communication Access Board, relating to Bill 278, Draft 2.

PASSED 2ND & FINAL READING

7 AYES: Councilmembers Arakaki, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

Bill 279: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$45,000 in the Federal Grants – Coordinated Services and \$13,442 in the State Grants – Coordinated Services Purchase of Services; and appropriates \$45,000 in the Coordinated Services – Equipment and \$13,442 in the Coordinated Services Salaries and Wages.}

Re: Comm. 798
 Intr. by: Mr. Chung
 1st Reading: November 20, 2002

PASSED 2ND & FINAL READING

7 AYES: Councilmembers Arakaki, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds and Chairman Tyler

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Safarik

REPORTS

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

APPROVED

FC Rept. 300 (C-809): Recommends the acceptance of four computers (total estimated value of \$1,400) to the Department of Parks & Recreation by Na'alehu Main Street, Marge Elwell, President; and \$30 to the Department of Parks & Recreation Kona Community Aquatic Center by Pat M. Aeder.

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 of Members present - pursuant to §92-4, HRS, and Rule 12 of Rules of Procedure of the County Council.)

Comm. 776: JOHN F. BRUNTON, AKA, JACK BRUNTON, VS. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 02-00414SOM/LEK
From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 15, 2002.

Deferred: November 8 and 20, 2002

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 9: MARSHA KAKALIA V. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 01-00274 SOM/BMK
From Deputy Corporation Counsel Harry P. Freitas, dated November 20, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 11: CLAIM AGAINST THE COUNTY BY HARPER RENTALS
From Deputy Corporation Counsel Michael S. Kagami, dated November 27, 2002.

DEFER

Comm. 33: MARJORIE B. BACHILLER, ET AL., VS. COUNTY OF HAWAI'I, ET AL., CIVIL NO. 00-1-0175
From Deputy Corporation Counsel Harry P. Freitas, dated December 6, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 35: MARK HANSON V. COUNTY OF HAWAII, CIVIL NO. 02-00285 SOM/LEK
From Deputy Corporation Counsel Harry P. Freitas, dated December 9, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 36: KEALOHA M. J. WELLS, ET AL., V. MARK FARIAS, ET AL., CIVIL NO. 02-1-0149K
From Deputy Corporation Counsel Joseph K. Kamelamela, dated December 9, 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, JANUARY 7, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, JANUARY 8, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>WEDNESDAY, JANUARY 22, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>THURSDAY, JANUARY 23, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC**ADJOURNMENT** 2:45 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 December 16, 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, December 25, 2002, at 6 p.m.; Sunday, December 29, 2002, at 10:30 a.m.; and Wednesday, January 1, 2003, at 6 p.m.