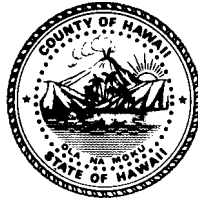


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

6th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Thursday, February 20, 2003
9:00 a.m.

INVOCATION Pastor Richard Uejo of the KMC Chapel & Heritage Fellowship

CALL TO ORDER 9:14 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES January 8, 2003 – 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

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

ORDER OF RESOLUTIONS

Res. 36-03: Recognizes March as National Women's History Month. {This year's theme for National Women's History Month is "Women Pioneering the Future".}

Re: Comm. 112
Intr. by: Ms. Leithead-Todd and Mr. Arakaki
Approved: HSEDC-1

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Res. 37-03: Authorizes the payment of funds of a later fiscal year and more than one fiscal year for a multi-year lease of real property for the Kona Driver License Section. {The Police Department requests a 5-year lease with Sofos Realty for the Kona Driver License Section. The 2,000 square feet of office space is located at the Kona Center, 75-5722 Hanama Place, Kailua-Kona, at an approximate cost of \$4,584 per month.}

Re: Comm. 116
Intr. by: Mr. Chung
Approved: FC-45

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

Res. 38-03: Authorizes the Director of Finance to negotiate the purchase of lease interest and
 (Draft 2) structures from H. Harada Construction, Inc., located at TMK No. 2-2-037-098.
 {Meadow Gold Dairies, Inc., desires to expand its operations located at 11 Railroad
 Avenue onto a portion of land presently used by the Parks and Recreation Maintenance
 Shop.};

Re: Comm. 117.2
 Intr. by: Mr. Chung
 Approved: FC-46

and
 Comm. 117.3: From Legislative Auditor Assistant Susan Caseria, dated February 11, 2003,
 transmitting information requested at the February 4, 2003, Finance Committee
 meeting; and

Comm. 117.4: From Finance Committee Chair Aaron S. Y. Chung, dated February 11, 2003,
 transmitting Resolution 38-03, Draft 3; and

Res. 38-03: Authorizes the Director of Finance to negotiate the purchase of lease interest and
 (Draft 3) structures from H. Harada Construction, Inc., located at TMK No. 2-2-037-098.
 {Draft 3 includes a public interest finding that was absent in the first draft. Further, the
 resolution has been expanded and reorganized to improve understanding.}

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

BILLS FOR ORDINANCES (FIRST READING)

Bill 17: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Single Family Residential (RS-10) to General Commercial (CG-20) at Waiakea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-40:14 and 69 (Approx. 6.640 acres). {Matsuno Enterprises, Ltd., Applicant.};

Re: Comm. 110
Intr. by: Ms. Leithead-Todd
Approved: PC-20

and

Comm. 110.1: From Planning Director Christopher J. Yuen, dated January 22, 2003; and
Comm. 110.2: From Josephine Keliipio, dated January 22, 2003.

AMENDED TO DRAFT 3 & PASSED 1ST READING

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

Bill 33: 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. {Adds PARKS AND RECREATION – Puna County Complex (\$1,250,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$1,250,000).}

Re: Comm. 69
Intr. by: Mr. Chung
Approved: FC-48
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING

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

Bill 34: 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. {Adds FIRE – Fire Administration Facility (\$2,500,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$2,500,000).}

Re: Comm. 70
Intr. by: Mr. Chung
Negative: FC-49
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING

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

Bill 35: 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. {Adds PUBLIC WORKS – West Hawai'i County Building [\$840,000] and \$2,000,000 (bracketed material represents the appropriation amount being amended/underscored material represents the amended appropriation); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$1,160,000).};

Re: Comm. 71
Intr. by: Mr. Chung
Negative: FC-50
2/3 Vote: Section 10-6(d), Hawai'i County Charter

and
Comm. 71.2: From Scott A. Bell, President, Kona-Kohala Chamber of Commerce, dated February 7, 2003.

PASSED 1ST READING

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

Bill 37: Amends Chapter 21-36.1 of the Hawai'i County Code 1983 (1995 Edition), relating to
(Draft 2) Wastewater Service Charge Rates. {This bill increases the Wastewater Service Charge rates contained in Section 21-36.1. Effective July 1, 2003, Single Unit Residential rates will be raised from \$27 to \$36 and incrementally to \$40 per unit by July 1, 2007; the Multi-Unit sewer rates will be raised from \$27 to \$28 per unit; the Non-Residential base rates will be raised from \$22 to \$24, and incrementally to \$28 per unit by July 1, 2007, (the monthly usage charge per 1,000 gallons [after the first 7,000 gallons] being raised to \$4.20 per unit on July 1, 2007); the Gang Cesspool rates will be raised from \$15 to \$23; the private haulers' discharge fees will be modified with the maximum charge per load being raised from \$30 to \$40; and a charge for recycled water will be established.}

Re: Comm. 89.1
Intr. by: Mr. Chung
Negative: FC-51

FILED

Bill 48: 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. {Adds PARKS AND RECREATION – Parks and Recreation Maintenance Shop Relocation (\$129,000); funds to be provided from Private Contributions (\$129,000).}

Re: Comm. 117
Intr. by: Mr. Chung
Approved: FC-47
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING

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

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 17: 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 6-2-11:25 (Approx. 5.0005 acres). {Robert D. Fischler, Applicant.}

Re: Comm. 46
 Intr. by: Ms. Leithead-Todd
 1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

3 ABSENT & EXCUSED: Councilmembers Chung, Jacobson and Safarik

Bill 18: 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 6-2-11:25 (Approx. 5.0005 acres). {Robert D. Fischler, Applicant.}

Re: Comm. 46
 Intr. by: Ms. Leithead-Todd
 1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

3 ABSENT & EXCUSED: Councilmembers Chung, Jacobson and Safarik

Bill 38: 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 Hienaloli 2nd, 3rd and 4th, North Kona, Hawai'i, covered by Tax Map Key 7-5-10:Portion of 52 and Portion of 65 (Approx. 10.02 acres). {Walter and Susan Welton, Applicants.}

Re: Comm. 96
 Intr. by: Ms. Leithead-Todd (B/R)
 1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Jacobson

Bill 39: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code)
(Draft 3) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Single Family Residential (RS-20) at Hienaloli 2nd, 3rd and 4th, North Kona, Hawai'i, covered by Tax Map Key 7-5-10:Portion of 52 and Portion of 65 (Approx. 10.02 acres). {Walter and Susan Welton, Applicants.}

Re: Comm. 96.19
Intr. by: Ms. Leithead-Todd
1st Reading: February 5, 2003

AMENDED TO DRAFT 4 & PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Jacobson

Bill 40: Amends Section 25-8-4 (South Kona Zone Map), Article 8, Chapter 25 (Zoning Code)
(Draft 4) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Residential and Agricultural (RA-1a) at Waipunaula, South Kona, Hawai'i, covered by Tax Map Key 8-2-3:31 (Approx. 5.263 acres). {Daniel Decker, Applicant.}

Re: Comm. 97.3
Intr. by: Ms. Leithead-Todd
1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Jacobson

Bill 41: 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 7-3-10:29 (Approx. 8.2560 acres). {Dennis Young, Applicant.}

Re: Comm. 98
Intr. by: Ms. Leithead-Todd (B/R)
1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Jacobson

Bill 42: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code)
 (Draft 4) 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 7-3-10:29 (Approx. 8.2560 acres). {Dennis Young, Applicant.}

Re: Comm. 98.3
 Intr. by: Ms. Leithead-Todd
 1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Jacobson

Bill 43: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to
 (Draft 2) Vehicles and Traffic. {Passenger loading zone on the mauka-side of Kinoole Street, Puna-side of the old Hilo Hotel exit driveway.} {This request was made by Dr. John Wohler, Director of the Hilo After Hours Medical Clinic, and it was concluded the proposed loading zone will benefit patients with disabilities as well as other businesses in the immediate area. Draft 2 changed the loading zone time from 12 noon – 8:00 p.m. to 4 p.m. – 12 midnight. Draft 2 also replaced two parking stalls that were proposed to be deleted.}

Re: Comm. 101.1
 Intr. by: Mr. Elarionoff
 1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Jacobson

Bill 44: 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 \$1,000 from Contribution/Donation from Private Source; appropriates same to HI-PAL Other Current Expense.}

Re: Comm. 102
 Intr. by: Mr. Chung
 1st Reading: February 5, 2003

PASSED 2ND & FINAL READING

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

NOES: None

3 ABSENT & EXCUSED: Councilmembers Chung, Jacobson and Safarik

Bill 50: 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. {Adds PARKS AND RECREATION – New Waikoloa – Ho'oko Street Park – District 9 (\$550,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$550,000).}

Re: Comm. 119
 Intr. by: Mr. Elarionoff
 1st Reading: February 5, 2003
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Councilmembers Chung and Jacobson

REPORTS

FC Rept. 44 (C-113): Recommends the acceptance of two wall tapestries (total estimated value of \$900) to the Department of Public Works by the Bank of Hawai'i, Kaiko'o Branch, Arthur K. Taniguchi, East Hawai'i District Manager.

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. 133: QCUTZIEL FRAZIER, JR., VS. BRETT ANDERSON, ET AL., CIVIL NO. 00-1-463; THOMAS FRAZIER-DeWEES VS. BRETT ANDERSON, ET AL., CIVIL NO. 01-1-344

From Deputy Corporation Counsel Joseph K. Kamelamela, dated February 10, 2003.

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.)

Comm. 37.15: REQUEST RECONSIDERATION OF BILL 45, DRAFT 3 (ISSUANCE OF GENERAL OBLIGATION BONDS)

From Council Member Bob Jacobson, pursuant to Rule No. 17 of Rules of Procedure of the Council of the County of Hawai'i, requests the opportunity for Council to move to reconsider its action of February 5, 2003, of the passing of Bill 45, Draft 3, on second and final reading; [Note: Pursuant to Rule 17, Council Rules of Procedure, if the motion to reconsider passes, Bill 45, Draft 3, will be taken up on March 7, 2003.];

and

Bill 45:
(Draft 3)

Authorizes the issuance of General Obligation Bonds of the County of Hawai'i for the purpose of financing various public improvements of the County of Hawai'i; fixing the form, denominations, and certain other details of such bonds and providing for their sale to the public; and authorizing the issuance and sale of a like principal amount of General Obligation Bond Anticipation Notes in anticipation of the issuance and sale of such bonds. {Provides that the proceeds for up to \$17,050,000 in general obligation bonds be expended on the Kahului-Keauhou Parkway, ADA Ramp Compliance Project, ADA Parks Facilities Compliance Project, the Public Safety Complex Evidence-Warehouse/Radio Shop Complex, the Pahoia Village Resource Park (PVRP) and the Waikoloa Ho'oko Street Park (WHSP); provided that \$1,250,000 and \$550,000 of the actual amounts as necessary, whichever is less, are allotted towards the PVRP and the WHSP, respectively.};

Re: Comm. 37.14
Intr. by: Mr. Chung
1st Reading: January 23, 2003
2nd Reading: February 5, 2003
2/3 Vote: Rule 12(a), Council Rules of Procedure

and

Comm. 37.16: Copy of letter to Mayor Harry Kim, from Council Member Bob Jacobson, dated February 10, 2003.

RECONSIDERATION APPROVED

ANNOUNCEMENTS

	<u>THURSDAY, MARCH 6, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>FRIDAY, MARCH 7, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, MARCH 11, 2003</u>	
NONPROFIT SITE VISITS/ INTERVIEWS FOR WEST HAWAI'I	8:00 a.m.	KONA MAYOR'S OFFICE CONFERENCE ROOM
	<u>WEDNESDAY, MARCH 12, 2003</u>	
NONPROFIT SITE VISITS/ INTERVIEWS FOR EAST HAWAI'I	8:00 a.m.	ELECTION'S CONFERENCE ROOM
	<u>THURSDAY, MARCH 13, 2003</u>	
COMMITTEE ON FINANCE SPECIAL MEETING (DEPARTMENTAL/PROGRAM REVIEWS OF BUDGETS)	9:00 a.m.	COUNCILROOM
	<u>FRIDAY, MARCH 14, 2003</u>	
COMMITTEE ON FINANCE SPECIAL MEETING (DEPARTMENTAL/PROGRAM REVIEWS OF BUDGETS)	8:30 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC**ADJOURNMENT** 3:10 p.m.

(Note: B/R, as listed next to the name of an Introducer, signifies that the Council Member 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 February 18, 2003. 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, February 26, 2003, at 6 p.m.; Sunday, March 2, 2003, at 10:30 a.m.; and Wednesday, March 5, 2003, at 6 p.m.