

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*

7<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Friday, March 7, 2003  
9:00 a.m.

INVOCATION	Pastor Pauline Spencer of the Hilo New Hope Christian Fellowship Church
CALL TO ORDER	9:10 a.m.
ROLL CALL	All present, except Mr. Safarik
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	January 23, 2003 – approved as amended

(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. 39-03: Authorizes the Office of the Mayor to enter into an agreement with the State of  
(Draft 2) Hawai'i, Hawai'i Tourism Authority, pursuant to HRS 46-7, for a Visitor Aloha Program Grant. {Funds will be used to provide assistance to visitors victimized by crimes and other adversities while on the Big Island.}

Re: Comm. 129.1  
Intr. by: Mr. Chung  
Approved: FC-53

**ADOPTED**

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

NOES: None

2 ABSENT & EXCUSED: Council Members Chung and Safarik

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 51: Amends Chapter 2 of the Hawai'i County Code 1983 (1995 Edition) relating to  
(Draft 2) Administration. {Amends Hawai'i County Code Section 2-115, Exchange of Real Property, allowing for the exchange of real property for private property and waiver of the appraisal requirement where County roadways encroach into private property.}

Re: Comm. 122.1  
Intr. by: Mr. Chung  
Approved: FC-52

**PASSED 1<sup>ST</sup> READING**

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

NOES: None

1 ABSENT & EXCUSED: Council Member Safarik

Bill 53: 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 \$40,000 from State Grants – Visitor Aloha Program; appropriates same to Visitor Aloha Program.}

Re: Comm. 129  
 Intr. by: Mr. Chung  
 Approved: FC-54

PASSED 1<sup>ST</sup> READING

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

NOES: None

1 ABSENT & EXCUSED: Council Member Safarik

Bill 54: 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 \$1,100,000 from Fund Balance Reserve for Replacement Fund; appropriates same to Replacement Reserve Account.}

Re: Comm. 130  
 Intr. by: Mr. Chung (B/R)  
 Approved: FC-55

PASSED 1<sup>ST</sup> READING

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

NOES: None

1 ABSENT & EXCUSED: Council Member Safarik

**ORDER OF THE DAY (SECOND OR FINAL 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.};  
 (Draft 3)

Re: Comm. 110.9  
 Intr. by: Ms. Leithead-Todd  
 1<sup>st</sup> Reading: February 20, 2003

AMENDED TO DRAFT 4 & PASSED 2<sup>ND</sup> & FINAL READING

6 AYES: Council Members Chung, Elarionoff, Holschuh, Leithead-Todd, Reynolds and Chairman Arakaki

2 NOES: Council Members Jacobson and Tyler

1 ABSENT & EXCUSED: Council Member Safarik

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  
 1<sup>st</sup> Reading: February 20, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING**

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

NOES: None

1 ABSENT & EXCUSED: Council Member Safarik

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  
 1<sup>st</sup> Reading: February 20, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

and

Comm. 70.5: From Council Member Fred C. Holschuh, M.D., dated February 21, 2003, transmitting a revised Project Data/Financial Impact Statement.

**PASSED 2<sup>ND</sup> & FINAL READING**

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

NOES: None

2 ABSENT & EXCUSED: Council Members Chung and Safarik

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  
 1<sup>st</sup> Reading: February 20, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2<sup>ND</sup> & FINAL READING

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

NOES: None

2 ABSENT & EXCUSED: Council Members Chung and Safarik

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  
 1<sup>st</sup> Reading: February 20, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2<sup>ND</sup> & FINAL READING

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

1 NO: Council Member Jacobson

2 ABSENT & EXCUSED: Council Members Chung and Safarik

Bill 45: Authorizes the issuance of General Obligation Bonds of the County of Hawai'i for the  
 (Draft 3) 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  
 1<sup>st</sup> Reading: January 23, 2003  
 2<sup>nd</sup> Reading: February 5, 2003  
 Returned by Mayor: February 14, 2003  
 Reconsidered: February 20, 2003  
 2/3 Vote: Rule 12(a), Council Rules of Procedure

AMENDED TO DRAFT 4 & HELD OVER (DRAFT 4 WAS CIRCULATED AT THE MEETING)

**REPORTS**

FINANCIAL Monthly Financial Status Report from the Department of Finance for the month ended  
 REPORT: January 31, 2003.

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. 157: OLIVIA VAZQUEZ, ET AL. V. JOHN WEBER, ET AL., CIVIL NO. CV02-00069  
 DAE/LEK

From Deputy Corporation Counsel Joseph K. Kamelamela, dated February 25, 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.)

**ANNOUNCEMENTS**TUESDAY, MARCH 11, 2003

NONPROFIT SITE VISIT	8:00 a.m.	NORTH KOHALA COMMUNITY RESOURCE CENTER, HAWI
INTERVIEWS FOR WEST HAWAI'I	10:00 a.m.	KONA OFFICE OF AGING CONFERENCE ROOM 106 (HANAMA PLACE) KAILUA-KONA

WEDNESDAY, MARCH 12, 2003

INTERVIEWS FOR EAST HAWAI'I	7:45 a.m.	ELECTION'S CONFERENCE ROOM
-----------------------------	-----------	----------------------------

THURSDAY, MARCH 13, 2003

COMMITTEE ON FINANCE SPECIAL MEETING (DEPARTMENTAL/PROGRAM REVIEWS OF BUDGETS)	9:00 a.m.	COUNCILROOM
---	-----------	-------------

FRIDAY, MARCH 14, 2003

COMMITTEE ON FINANCE SPECIAL MEETING (DEPARTMENTAL/PROGRAM REVIEWS OF BUDGETS)	8:30 a.m.	COUNCILROOM
---	-----------	-------------

MONDAY, MARCH 17, 2003

COMMITTEE ON FINANCE SPECIAL MEETING (DEPARTMENTAL/PROGRAM REVIEWS OF BUDGETS)	9:00 a.m.	COUNCILROOM
COUNCIL PUBLIC HEARING – (OPERATING & CAPITAL IMPROVEMENT PROJECT BUDGETS)	5:00 p.m.	COUNCILROOM

TUESDAY, MARCH 18, 2003

PUBLIC WORKS & INTER- GOVERNMENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCILROOM
--	-----------	-------------

FINANCE COMMITTEE	11:30 a.m.	COUNCILROOM
-------------------	------------	-------------

HOUSING	1:30 p.m.	COUNCILROOM
---------	-----------	-------------

WEDNESDAY, MARCH 19, 2003

COUNCIL	9:00 a.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
---------	-----------	--

COUNCIL PUBLIC HEARING – (OPERATING & CAPITAL IMPROVEMENT PROJECT BUDGETS)	6:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
--	-----------	--

**STATEMENTS FROM THE PUBLIC****ADJOURNMENT** 12:21 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 March 5, 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, March 12, 2003, at 6 p.m.; Sunday, March 16, 2003, at 10:30 a.m.; and Wednesday, March 19, 2003, at 6 p.m.