

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*

8<sup>th</sup> 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, March 19, 2003  
9:00 a.m.

INVOCATION	Reverend Randy Gant of the Kona Church of the Nazarene
CALL TO ORDER	9:02 a.m.
ROLL CALL	All present
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	February 5, 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**

Presentation by Mayor Harry Kim and his staff to discuss the proposed West Hawai'i Civic Center, its history, as well as its tentative plans for this project (Reference: Comm. 37.23).

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

**ORDER OF RESOLUTIONS**

Res. 40-03: Authorizes the abandonment and exchange/sale of road rights-of-way with Christian Sieber, Jacqueline Victorino, Caroline Victorino and Colleen Victorino, Tax Map Keys: (3)2-9-004 (Portion), 2-9-004:035, 058 and 092. {Authorizes the abandonment and transfer of unused County rights-of-way for Kaiwiki Road to the above-named parties for the property upon which Kaiwiki Road currently exists.}

Re: Comm. 137  
Intr. by: Mr. Elarionoff  
Approved: PWIRC-13

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Council Member Safarik

Res. 42-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Defense, State Civil Defense, pursuant to HRS 46-7, for the Emergency Operations Planning Program. {Funds will be used for the administration and completion of an approved Hawai'i County All Hazards Emergency Operation Planning Program.}

Re: Comm. 148  
Intr. by: Mr. Chung  
Approved: FC-58

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Council Member Safarik

Res. 43-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Defense, State Civil Defense, pursuant to HRS 46-7, for the Citizen Corps Council and Community Emergency Response Team Programs. {Funds will be used for the formation of a local Citizen Corps Council and to form or expand the Community Emergency Response Team (CERT) training program.}

Re: Comm. 149  
Intr. by: Mr. Chung  
Approved: FC-60

ADOPTED

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

Res. 44-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Defense, State Civil Defense, pursuant to HRS 46-7, for the FY 2002 State Domestic Equipment Program Grant Funds. {Funds will be used by the Hawai'i County Police and Fire Departments to acquire specialized first responder's basic defensive equipment.}

Re: Comm. 150  
Intr. by: Mr. Chung  
Approved: FC-62

ADOPTED

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

Res. 45-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Defense, State Civil Defense, pursuant to HRS 46-7, for the FY 2000 and FY 2001 State Domestic Equipment Program Grant Funds. {Funds will be used by the Hawai'i County Police Department to acquire specialized first responder's basic defensive equipment.}

Re: Comm. 151  
Intr. by: Mr. Chung  
Approved: FC-64

ADOPTED

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

Res. 46-03: Authorizes the acceptance of a monetary donation of \$600 to the Hawai'i County Fire Department. {Funds donated by Wal-Mart Hilo to the Hawai'i County Fire Department for the purchase of educational materials to be distributed to the public in commemoration of Emergency Medical Services (EMS) Week in May 2003.}

Re: Comm. 152  
 Intr. by: Mr. Chung  
 Approved: FC-66

**ADOPTED**

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

NOES: None

Res. 47-03: Transferring/appropriating an appropriation out and from the designated fund account(s) and crediting same to a designated fund account(s). {Transfers/appropriates \$45,600 out and from the Provision for Compensation Adjustment – General Fund account; credits same to the Employees Retirement System (ERS) Pension Accumulation Fund – General Fund account.} {The State Legislature approved a one-time lump sum bonus of \$200 for each retiree who is seventy years of age and older. This appropriation reflects the total bonus payment for County of Hawai'i ERS retirees.}

Re: Comm. 154  
 Intr. by: Mr. Chung  
 Approved: FC-69

**ADOPTED**

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

NOES: None

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 265: Amends Chapter 25 (Zoning Code) of the Hawai'i County Code, relating to Scenic  
 (Draft 3) Corridor Overlay Districts. {This bill will serve as a policy framework for the creation of Scenic Corridor Overlay zones in the County of Hawai'i.};

Re: Comm. 99.9  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-21

and

Comm. 99.10: From John B. Ray, President, Hawai'i Leeward Planning Conference, dated March 7, 2003.

**REFERRED BACK TO PLANNING COMMITTEE**

Bill 55: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic. {Installs a Yield sign along Kāhoa Street at Bridge No. 26-5 in Honoli'i.}

Re: Comm. 132  
 Intr. by: Mr. Elarionoff  
 Approved: PWIRC-14

PASSED 1<sup>ST</sup> READING

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

Bill 56: 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-10) at Waiakea Houselots, 2nd Series, Waiakea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-21:25 (Approx. 10,110 square feet). {Keith K. Yamakawa, DDS, Applicant.}

Re: Comm. 134  
 Intr. by: Ms. Leithead-Todd  
 Negative: PC-22 (due to the vote of 4 ayes, 2 noes & 3 excused)

PASSED 1<sup>ST</sup> READING

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

Bill 60: 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 \$63,544 from Federal Grants – All Hazards Emergency Operations Planning; appropriates same to All Hazards Emergency Operations Planning.}

Re: Comm. 148  
 Intr. by: Mr. Chung  
 Approved: FC-59

PASSED 1<sup>ST</sup> READING

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

Bill 61: 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 \$31,632 from Federal Grants – Citizen Corps Council and Community Emergency Response Team; appropriates same to Citizen Corps Council and Community Emergency Response Team.}

Re: Comm. 149  
 Intr. by: Mr. Chung  
 Approved: FC-61

PASSED 1<sup>ST</sup> READING

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

Bill 62: 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 \$591,051 from Federal Grants – Civil Defense Domestic Equipment Program – Civil Defense/Police-Fire; appropriates same to Civil Defense Domestic Equipment Program – Civil Defense/Police-Fire.}

Re: Comm. 150  
 Intr. by: Mr. Chung  
 Approved: FC-63

PASSED 1<sup>ST</sup> READING

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

Bill 63: 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 \$254,500 from Federal Grants – Civil Defense Domestic Equipment Program – Civil Defense/Police; appropriates same to Civil Defense Domestic Equipment Program – Civil Defense/Police.}

Re: Comm. 151  
 Intr. by: Mr. Chung  
 Approved: FC-65

PASSED 1<sup>ST</sup> READING

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

Bill 64: 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 \$600 from Contribution from Private Source; appropriates same to Fire Protection – Other Current Expense.}

Re: Comm. 152  
Intr. by: Mr. Chung  
Approved: FC-67

PASSED 1<sup>ST</sup> READING

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

Bill 65: 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 \$50,000 from Seatbelt Innovative Demonstration – East Hawai'i; appropriates same to Seatbelt Innovative Demonstration – East Hawai'i.}

Re: Comm. 153  
Intr. by: Mr. Chung  
Approved: FC-68

PASSED 1<sup>ST</sup> READING

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

Bill 66: 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 \$31,333 from Federal Grants – Civil Defense Domestic Equipment Program; appropriates same to Civil Defense Domestic Equipment Program.}

Re: Comm. 155  
Intr. by: Mr. Chung  
Approved: FC-70

PASSED 1<sup>ST</sup> READING

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

**ORDER OF THE DAY (SECOND OR FINAL READING)**

Bill 45: Authorizes the issuance of General Obligation Bonds of the County of Hawai'i for the  
 (Draft 4) 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. {Draft 4 amends the authorization to issue general obligation bonds by increasing the amount from \$17,050,000 to \$36,312,650 and adds the following 15 projects: ADA Department of Public Works Facilities, ADA Playground Equipment Upgrades, Kuakini Highway Improvements, Ali'i Drive Oneo Bay Improvements, Waimea Trails and Greenways, Keopu Heights Feasibility Study, Palai Stream Feasibility Study, Upper Waiakea Stream Feasibility Study, South Hilo Landfill Closure – SORT Station, Queen Liliuokalani Collector Sewer, Kealakehe Effluent Disposal, West Hawai'i County Building (Civic Center), Puna County Complex, Fire Administration Facility, Captain Cook (South Kona) Police Station.};

Re: Comm. 37.25  
 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  
 Held over for  
 2<sup>nd</sup> Reading: March 7, 2003  
 2/3 Vote: Rule 12(a), Council Rules of Procedure

and

Comm. 37.23 From Mayor Harry Kim, dated March 3, 2003.

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

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

NOES: None

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  
 1<sup>st</sup> Reading: March 7, 2003

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

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

NOES: None

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  
1<sup>st</sup> Reading: March 7, 2003

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

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

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)  
1<sup>st</sup> Reading: March 7, 2003

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

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

**REPORTS**

PC Rept. 23 Recommends the approval of the appointment of Mr. William R. Graham to the  
(C-146): Hawai'i County Planning Commission.  
APPROVED

FC Rept. 56 Recommends the confirmation of Mr. James A. Frazier to the Hawai'i County Police  
(C-143): Commission.  
APPROVED

FC Rept. 57 Recommends the confirmation of Ms. Linda S. Smith to the Hawai'i County Tax  
(C-147): Board of Review.  
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. 165: CLAIM AGAINST THE COUNTY BY THE HARTFORD  
 From Deputy Corporation Counsel Michael S. Kagami, dated March 6, 2003.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 166: JOHN F. BRUNTON, AKA, JACK BRUNTON (BRUNTON), VS. COUNTY OF HAWAI'I, ET AL.; CIVIL NO. 02-00414  
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated March 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.)

**ANNOUNCEMENTS**

	<u>WEDNESDAY, MARCH 19, 2003</u>	
COUNCIL PUBLIC HEARING – (OPERATING & CAPITAL IMPROVEMENT PROJECT BUDGETS)	6:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
	<u>TUESDAY, APRIL 1, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, APRIL 2, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, APRIL 15, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, APRIL 16, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

**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 17, 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 26, 2003, at 6 p.m.; Sunday, March 30, 2003, at 10:30 a.m.; and Wednesday, April 2, 2003, at 6 p.m.