

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*

9th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, April 2, 2003
9:00 a.m.

INVOCATION Reverend Henry Kahalehili of Glad Tidings Church

CALL TO ORDER 9:16 a.m.

ROLL CALL All present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES February 20, 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

Comm. 192: HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) FISCAL YEAR 2003-2004 ANNUAL BUDGET

From HSAC Treasurer James Kunane Tokioka, dated March 24, 2003, submits for consideration and approval the HSAC 2003-2004 budget, incorporating the following assumptions and changes relating to the following: Interest Income, Conference Income, HSAC Dues, Fund Balance, NACo Dues, and the 2005 NACo Annual Conference Account.

Waived: PWIRC

APPROVED

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

ORDER OF RESOLUTIONS

Res. 48-03: Relates to a Council initiated improvement district to facilitate construction of a twenty foot roadway and drainage improvements or a roadway and drainage improvements built to current standards for Chong Street in South Hilo, County of Hawai'i, by the County Department of Public Works.

Re: Comm. 159
Intr. by: Ms. Leithead-Todd
Approved: FC-71

AMENDED TO DRAFT 2 & 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

Res. 49-03: Changes the position status of two (2) Lifeguard I (pool) 1/2T (temporary) positions to permanent status. {These two positions were meant to be temporary summer hires, but it has been necessary to extend the positions throughout the year to maintain the minimum levels of lifeguard coverage at the Kona Community Aquatic Center.}

Re: Comm. 160
Intr. by: Mr. Chung
Approved: FC-72

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

Res. 50-03: Authorizes the payment of funds of a later fiscal year and more than one fiscal year for the multi-year lease of real property for the Planning Department at Hanama Place. {The additional 1,053 square feet of space for the Planning Department West Hawai'i Office at Hanama Place will be at an approximate cost of \$2,337 per month.}

Re: Comm. 161
 Intr. by: Mr. Chung
 Approved: FC-73

ADOPTED

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

NOES: None

2 ABSENT & EXCUSED: Council Members Holschuh and Reynolds

Res. 51-03: Creates a Deputy Corporation Counsel position for the Office of the Corporation Counsel. {This new position allows the Office of the Corporation Counsel to maintain a more "pro-active" legal presence in the County, as well as the opportunity to develop expertise in specific areas of the law. This position would be funded by the Department of Water Supply with the intent of providing service to that Department.}

Re: Comm. 163
 Intr. by: Mr. Chung (B/R)
 Approved: FC-75

ADOPTED

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

NOES: None

1 ABSENT & EXCUSED: Council Member Holschuh

Res. 52-03: Authorizes the Office of the Mayor to enter into an agreement with the United States of America, pursuant to HRS 46-7, for a Community Oriented Policing Services (COPS) in Schools Grant. {Funds will be used strictly for entry level salaries and fringe benefits for six new police officers for three years and not to exceed \$125,000 per officer.}

Re: Comm. 164
 Intr. by: Mr. Chung
 Approved: FC-76

ADOPTED

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

1 NO: Council Member Jacobson

Res. 60-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Public Safety, pursuant to HRS 46-7, for a project entitled "Taking Care of Our Own". {Funds will be used to implement an offender reentry program for the Island of Hawai'i. The Mayor's Office will be working with the Hawai'i Community Correctional Center and the volunteer citizen's group, Hawai'i Island Corrections Advisory Council, to administer this project.}

Re: Comm. 187
Intr. by: Mr. Chung
Waived: FC

ADOPTED

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

Res. 61-03: Authorizes the Mayor to negotiate and execute an agreement with a consultant to re-assess the feasibility of the Waikoloa Affordable Housing Project.

Re: Comm. 191
Intr. by: Mr. Reynolds
Approved: CHA – March 18, 2003

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 67: 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. {Establishes Transportation Equity Act for the 21st Century (TEA-21) projects (Federal aid) (\$3,000,000) and Local Road Improvements (\$3,000,000) for a total of \$6,000,000; funds to be provided from that portion of the Highway Fund which is designated as the Fuel Tax Increase Account No. 3104.06, and which consists of the increase fuel tax revenues created pursuant to Resolution Nos. 192-97 and 241-98.}

Re: Comm. 162
Intr. by: Mr. Chung
Approved: FC-74
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING

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

Bill 68: 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 \$750,000 from Federal Grants – Community Oriented Policing Services (COPS) in Schools; appropriates same to Community Oriented Policing Services (COPS) in Schools.}

Re: Comm. 164
 Intr. by: Mr. Chung
 Approved: FC-77

PASSED 1ST READING

7 AYES: Council Members Chung, Elarionoff, Holschuh, Leithead-Todd, Reynolds, Tyler and Chairman Arakaki
 1 NO: Council Member Jacobson
 1 ABSENT & EXCUSED: Council Member Safarik

Bill 83: 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 \$50,000 from Federal Grants – Taking Care of Our Own; appropriates same to Taking Care of Our Own.}

Re: Comm. 187
 Intr. by: Mr. Chung
 Waived: FC

PASSED 1ST READING

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

Bill 84: 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 \$15,101.94 from Block Grant Program Income; appropriates same to Residential Emergency Repair Program.}

Re: Comm. 188
 Intr. by: Mr. Reynolds
 Approved: CHA – March 18, 2003

PASSED 1ST 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 85: 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 \$9,400 from Federal – 2002 HOME Investment Partnerships (HOME) Program and \$25,544.21 from HOME – Program Income, for a total of \$34,944.21; appropriates \$7,000 to Office of Housing and Community Development (OHCD) Administration, \$2,400 to Kamuela Senior Housing, and \$25,544.21 to Kamuela Senior Housing, for a total of \$34,944.21.}

Re: Comm. 189
 Intr. by: Mr. Reynolds
 Approved: CHA – March 18, 2003

PASSED 1ST 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 86: 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 \$389,791 from Federal Grants – Workforce Investment Act 2002; appropriates \$168,243 to Workforce Investment Act Administration/Planning 2002, and \$221,548 to Workforce Investment Act Programs 2002, for a total of \$389,791.}

Re: Comm. 190
 Intr. by: Mr. Reynolds
 Approved: CHA – March 18, 2003

PASSED 1ST 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

ORDER OF THE DAY (SECOND OR FINAL READING)

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
 1st Reading: March 19, 2003

PASSED 2ND & 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 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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL READING

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

2 NOES: Council Members Jacobson and Tyler

1 ABSENT & EXCUSED: Council Member Chung

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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL READING

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

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL READING

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

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL 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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL 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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL 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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL 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
 1st Reading: March 19, 2003

PASSED 2ND & FINAL READING

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

NOES: None

REPORTS

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. 177: CLAIM AGAINST THE COUNTY BY PACIFIC RENT-ALL
 From Deputy Corporation Counsel Michael S. Kagami, dated March 18, 2003.
CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 181: SCOTT BOSCH CLAIM AGAINST THE COUNTY
 From Deputy Corporation Counsel Michael S. Kagami, dated March 19, 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>TUESDAY, APRIL 15, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, APRIL 16, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>MONDAY, APRIL 21, 2003</u>	
PLANNING COMMITTEE WORKSHOP RE. BILL 163 (GENERAL PLAN - DELIBERATION ON THE AGRICULTURAL LAND USE SECTIONS)	9:00 a.m.	COUNCILROOM
PUBLIC WORKS & INTER- GOVERNMENTAL RELATIONS COMMITTEE SITE VISIT RE. RES. 41-03	4:00 p.m.	PIHA HOMESTEADS, N. HILO

STATEMENTS FROM THE PUBLIC**ADJOURNMENT** 11:39 a.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 31, 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, April 9, 2003, at 6 p.m.; Sunday, April 13, 2003, at 10:30 a.m.; and Wednesday, April 16, 2003, at 6 p.m.