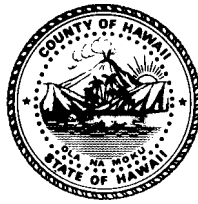


JAMES Y. ARAKAKI  
*Chairman & Presiding Officer*

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*

11<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Wednesday, May 7, 2003  
9:00 a.m.

INVOCATION

Captain Fred Apuan of the Salvation Army

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 19 and April 2, 2003

(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. 56-03: Resolution of the Hawai'i County Council opposing United States preemptive military action against Iraq.

Re: Comm. 179  
Intr. by: Mr. Jacobson  
Negative: PWIRC-17

Res. 62-03: Authorizes the acceptance of six (6) Dell computers (valued at \$1,800) from the State of Hawai'i, Department of Human Services, East Hawai'i Unit to the Office of the Corporation Counsel.

Re: Comm. 197  
Intr. by: Mr. Chung  
Approved: FC-85

Res. 64-03: Authorizes the Mayor of the County of Hawai'i to execute and submit the 2003 Action Plan and all other related documents to the United States Department of Housing and Urban Development for the 2003 Community Development Block Grant and to the State's Housing and Community Development Corporation of Hawai'i for the HOME Investment Partnerships Programs.

Re: Comm. 215  
Intr. by: Mr. Safarik  
Approved: CHA – April 15, 2003

Res. 73-03: Transfers/appropriates an appropriation out and from the designated fund account(s) and credits same to a designated fund account(s). {Transfers/appropriates \$2,400 out and from Clerk-Council Services Other Current Expense Contractual Services-Miscellaneous Contract Services account; credits same to Clerk-Council Services Other Current Expense Contractual Services-Telephone.}

Re: Comm. 235  
Intr. by: Mr. Reynolds and Mr. Tyler  
Waived: FC

Res. 74-03: Transfers/appropriates an appropriation out and from the designated fund account(s) and credits same to a designated fund account(s). {Transfers/appropriates \$4,000 out and from Clerk-Council Contractual Services Equipment Repairs/Maintenance account, \$5,000 from Miscellaneous Charges account, and \$4,000 from Postage and Freight account, for a total of \$13,000; credits \$5,000 to Travel/Conferences account and \$8,000 to Reprographics Rental/Lease of Equipment account, for a total of \$13,000.}

Re: Comm. 239  
 Intr. by: Mr. Arakaki  
 Waived: FC

### **BILLS FOR ORDINANCES (FIRST READING)**

Bill 36: Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), relating to  
 (Draft 4) Refuse Fee Schedule. {Draft 4 incorporates the following: 1) Increases the present tipping fee rate of \$35 a ton by \$10 each year, for five years; 2) Increases the residential single family household credit in direct proportion to the landfill tipping fees, based on one ton of rubbish per year for an average household, about two bags of trash a week; and 3) Adds a new requirement for an analysis of solid waste division expenses after three years.}

Re: Comm. 75.9  
 Intr. by: Mr. Safarik  
 Approved: FC-88

Bill 87: 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 Limited Industrial (ML-20) to Industrial-Commercial Mixed Use (MCX-20) at Waiākea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-35:61 (Approx. 21,050 sq. ft). {William V. Brilhante, Applicant.};

Re: Comm. 193  
 Intr. by: Ms. Leithead-Todd  
 Approved: PC-34

and  
 Comm. 193.1: From Planning Committee Chair Bobby Jean Leithead-Todd, dated April 25, 2003, transmitting proposed amendments to Bill 87, which standardizes the language in the following conditions discussed at the April 15, 2003, Planning Committee meeting: Condition B (water usage); Condition C (development plans); Condition E (runoff/drainage); Condition K (deleted in its entirety); and Renumbers remaining conditions.

Bill 88: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning  
(Draft 2) Code) of the Hawai'i County Code, by changing the district classification from Single-Family Residential (RS-10) to General Commercial (CG-20) at Waiākea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-24:12 (Approx. 23,761 sq. ft.). {First Hawaiian Bank, Trustee of the William V. Brilhante Self-Directed IRA, Applicant.}

Re: Comm. 194.1  
Intr. by: Ms. Leithead-Todd  
Approved: PC-35

Bill 89 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 Industrial-Commercial Mixed (MCX-20) at Waiākea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-35:46 (Approx. 21,050 sq. ft.). {SAF, Ltd., Applicant.};

Re: Comm. 195  
Intr. by: Ms. Leithead-Todd  
Approved: PC-36

and  
Comm. 195.1: From Planning Committee Chair Bobby Jean Leithead-Todd, dated April 25, 2003, transmitting proposed amendments to Bill 89, which standardizes the language in the following conditions discussed at the April 15, 2003, Planning Committee meeting: Condition B (water usage); Condition C (development plans); Condition E (runoff/drainage); Condition K (deleted in its entirety); and Renumbers remaining conditions.

Bill 90: 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 \$10,000 from State Grants – Used Oil Collection/Disposal; appropriates same to Recycling Program.}

Re: Comm. 200  
Intr. By: Mr. Chung  
Approved: FC-86

Bill 91: Adopts a pay plan for persons employed by the County other than those whose pay is otherwise provided for, designating payroll periods, pay days, prescribing requirements with respect to official fidelity bonds, and repealing Ordinance No. 02-78 and all amendments thereto, said ordinance to be known as the Salary Ordinance of 2003.

Re: Comm. 201  
Intr. by: Mr. Chung  
Approved: FC-87

Bill 95: 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 and appropriates revenues of \$2,000 from Sundry Revenues – Prior Year; appropriates same to Clerk-Council Services Other Current Expense.}

Re: Comm. 213  
 Intr. by: Mr. Holschuh  
 Waived: FC

Bill 97: 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 \$1,025,600 from Federal – 2003 HOME Investment Partnerships (HOME) Program; appropriates same to Kamuela Senior Housing Office of Housing and Community Development (OHCD) Administration.}

Re: Comm. 216  
 Intr. by: Mr. Safarik  
 Approved: CHA – April 15, 2003

Bill 98: 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 \$2,685,000 from Federal – Block Grant; appropriates same to the following accounts: Public Service – Hawai'i Food Bank Equipment Acquisition (\$120,000); Housing – Residential Emergency Repair Program (\$300,000); Removal of Architectural Barriers – Americans with Disabilities Act Compliance – Various County Facilities (\$1,355,500); Senior Center – Waimea Courthouse Renovation (\$100,000); Transportation Services – Additional Hilo/Pahoa Bus Route (\$44,000); Public Facilities – New Pahoa Fire Station Design/Planning (\$150,000); Housing – Solar Water Heating Program (\$55,500); Transportation Services – Van Acquisition for South Hilo, Kona & Ka'u (\$135,000); Public Facilities – Direct Cost Construction Management (\$125,000); and Administration, Planning & Fair Housing (\$300,000), for a total of \$2,685,000.}

Re: Comm. 217  
 Intr. by: Mr. Safarik  
 Approved: CHA – April 15, 2003

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

Bill 69: 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 Pua'a 1st, North Kona, Hawai'i, covered by Tax Map Key 7-5-10:61 (Approx. 9.262 acres). {Pua'a Development, LLC, Applicant.}

Re: Comm. 167  
 Intr. by: Ms. Leithead-Todd (B/R)  
 1<sup>st</sup> Reading: April 16, 2003

Bill 70:  
(Draft 2) Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Multiple-Family Residential (RM-2.5) at Pua'a 1st, North Kona, Hawai'i, covered by Tax Map Key 7-5-10:61 (Approx. 9.262 acres). {Pua'a Development, LLC, Applicant.}

Re: Comm. 167.1  
Intr. by: Ms. Leithead-Todd  
1<sup>st</sup> Reading: April 16, 2003

Bill 71: Amends the State Land Use Boundaries Map, H-25 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 6-2-9:9 (Approx. 6.104 acres). {Erwin L. Baldwin, Applicant.}

Re: Comm. 168  
Intr. by: Ms. Leithead-Todd (B/R)  
1<sup>st</sup> Reading: April 16, 2003

Bill 72: Amends Section 25-8-7 (North and South Kohala Districts 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 6-2-9:9 (Approx. 6.104 acres). {Erwin L. Baldwin, Applicant.}

Re: Comm. 168  
Intr. by: Ms. Leithead-Todd (B/R)  
1<sup>st</sup> Reading: April 16, 2003

Bill 73: 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 6-2-11:3 (Approx. 5.1233 acres). {Philip R. and Diane C. Delmer, Applicant.}

Re: Comm. 169  
Intr. by: Ms. Leithead-Todd (B/R)  
1<sup>st</sup> Reading: April 16, 2003

Bill 74: Amends Section 25-8-7 (North and South Kohala Districts 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 6-2-11:3 (Approx. 5.1233 acres). {Philip R. and Diane C. Delmer, Applicant.}

Re: Comm. 169  
Intr. by: Ms. Leithead-Todd  
1<sup>st</sup> Reading: April 16, 2003

Bill 75: Amends the State Land Use Boundaries Map, H-25 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 6-2-11:12 (Approx. 6.5215 acres). {Theodore T. and Susan T. Herhold, Applicant.}

Re: Comm. 170  
Intr. by: Ms. Leithead-Todd (B/R)  
1<sup>st</sup> Reading: April 16, 2003

Bill 76: Amends Section 25-8-7 (North and South Kohala Districts 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 6-2-11:12 (Approx. 6.5215 acres). {Theodore T. and Susan T. Herhold, Applicant.}

Re: Comm. 170  
Intr. by: Ms. Leithead-Todd (B/R)  
1<sup>st</sup> Reading: April 16, 2003

Bill 77: 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 6-2-11:31 (Approx. 5.0126 acres). {Paula K. Kusters, Applicant.}

Re: Comm. 171  
Intr. by: Ms. Leithead-Todd (B/R)  
1<sup>st</sup> Reading: April 16, 2003

Bill 78: Amends Section 25-8-7 (North and South Kohala Districts 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 6-2-11:31 (Approx. 5.0126 acres). {Paula K. Kusters, Applicant.}

Re: Comm. 171  
Intr. by: Ms. Leithead-Todd (B/R)  
1<sup>st</sup> Reading: April 16, 2003

Bill 79: 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 – Hardening of Essential Facilities (\$869,434); funds to be provided from Federal Grants Receivable (\$652,076) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$217,358), for a total of \$869,434.}

Re: Comm. 174  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: April 16, 2003  
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 80: 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 \$3,000 from Contribution from Private Source; appropriates same to Rescue Equipment – Private.}

Re: Comm. 182  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: April 16, 2003

Bill 81: 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 \$17,334.67 from Fund Balance from Prior Year; appropriates same to Transfer to Capital Projects Fund.}

Re: Comm. 183  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: April 16, 2003

Bill 82: 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 ENVIRONMENTAL MANAGEMENT – Kalaniana'ole Interceptor Sewer Rehabilitation – State Revolving Funds (\$5,000,000); funds to be provided from State Revolving Funds (\$5,000,000).}

Re: Comm. 186  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: April 16, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

## REPORTS

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

## 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. 204: BUENAVISTA & MAKIL V. COUNTY OF HAWAI'I, ET AL.  
 From Deputy Corporation Counsel Michael S. Kagami, dated April 8, 2003.

Comm. 208: CLAIM OF CAROL SILVA FOR INJURIES AND DAMAGES  
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated April 11, 2003.

**OTHER BUSINESS**

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

**ANNOUNCEMENTS**

	<u>TUESDAY, MAY 20, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, MAY 21, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
COUNCIL PUBLIC HEARING (REAL PROPERTY TAX RATES)	5:00 p.m.	COUNCILROOM
	<u>THURSDAY, MAY 22, 2003</u>	
COUNCIL PUBLIC HEARING (REAL PROPERTY TAX RATES)	6:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4

**STATEMENTS FROM THE PUBLIC****ADJOURNMENT**

(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 May 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, May 14, 2003, at 6 p.m.; Sunday, May 18, 2003, at 10:30 a.m.; and Wednesday, May 21, 2003, at 6 p.m.