

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*

12th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, May 21, 2003
9:00 a.m.

INVOCATION

Reverend Charles Kahawai of Ke Kilohana O ka Malamalama

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES April 16, 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

Comm. 247: HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) MATTERS RELATING TO NOMINATIONS (HSAC EXECUTIVE COMMITTEE MEMBERS AND ALTERNATES, WESTERN INTERSTATE REGION, NATIONAL ASSOCIATION OF COUNTIES STEERING COMMITTEES), AND SUPPORT OF THE PAYMENT IN LIEU OF TAXES (PILT) PROGRAM
 From HSAC President, J. Curtis Tyler, III, dated May 9, 2003, submits for consideration the following: Nominate Hawai'i County's HSAC representative and alternate for FY 2003-04 Term; approve the nomination of Honolulu Council Member Donovan Dela Cruz to serve on the Western Interstate Region (WIR) Board of Directors; submit names of Council Members interested in serving on respective National Association of Counties (NACo) Steering Committees; and for information, letters to Senators Inouye and Akaka to support restoration of funding for the Payment in Lieu of Taxes (PILT) Program;

Waived: PWIRC

and

Comm. 247.1: From Council Chair James Y. Arakaki, dated May 12, 2003.

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

ORDER OF RESOLUTIONS

Res. 65-03: Urges the Mayor and the Department of Public Works to initiate the immediate (Draft 3) removal of the gate located on County roadway property, which is part of the Puna Emergency Access Road;

Re: Comm. 224.17
 Intr. by: Mr. Jacobson and Mr. Safarik
 Approved: PWIRC-19

and

Comm. 224.5: From Lorie Berkey, dated May 6, 2003.

- Res. 66-03: Adopts Wood Valley Road in Ka'u as a County road to maintain in perpetuity. {Federal Emergency Management Agency will pay 75% of the cost to repair the November 2000 flood damage (approximately \$1,000,000) if the County passes a resolution to maintain the road in perpetuity.}
- Re: Comm. 225
Intr. by: Mr. Elarionoff
Approved: PWIRC-20
- Res. 67-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Transportation, pursuant to HRS 46-7, for the Federal Transit Administration Grant. {Funds will be used for public transportation services and equipment.}
- Re: Comm. 228
Intr. by: Mr. Chung
Approved: FC-96
- Res. 69-03: Creates six (6) Police Officer II (temporary) positions for the Hawai'i County Police Department. {These positions are to establish a School Resource Officer Program with the Department of Education, working in conjunction with their Community Policing Officers, to focus on creating and maintaining a safe school conducive for learning and a safe community environment.}
- Re: Comm. 231
Intr. by: Mr. Chung
Approved: FC-99
- Res. 70-03: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for multi-year leases for seven (7) copy machines for the Hawai'i County Police Department. {The current six copiers are to be replaced with new copy machines along with a new copy machine for the new cellblock detention facility and will result in some cost savings for the Police Department.}
- Re: Comm. 232
Intr. by: Mr. Chung
Approved: FC-100
- Res. 76-03: Transfers/appropriates an appropriation out and from the designated fund account(s) and credits same to a designated fund account(s). {Transfers/appropriates \$2,500 out and from Clerk-Council Services Salaries & Wages; credits same to Clerk-Council Services Overtime Salaries & Wages.}
- Re: Comm. 246
Intr. by: Mr. Arakaki
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

- Bill 58: Relates to Public Improvements and financing thereof for the Fiscal Year July 1, 2003 to June 30, 2004. {Proposed \$42,272,000 Capital Improvements Project Budget for the County of Hawaii};
- Re: Comm. 139
Intr. by: Mr. Chung
Approved: FC-89
- and
- Comm. 139.4: From Mayor Harry Kim, dated May 5, 2003, transmitting Bill 58, Draft 2; and
- Bill 58:
(Draft 2) Relates to Public Improvements and financing thereof for the fiscal year July 1, 2003 to June 30, 2004. {Proposed \$41,822,000 Capital Improvements Project Budget for the County of Hawai'i. Draft 2 amendments relate to the following: New Kalaoa police substation to be co-located with the new fire station (+\$50,000); ADA facility improvements to existing County buildings (\$100,000 supplements existing appropriation); Closure of the South Hilo Landfill (move \$400,000 forward by one FY); and reduce funding for the Regional Transfer Station by \$1,000,000. Other changes were made to the Capital Program amounts for Fiscal Years 2004-05 to 2008-09 for the following projects: Solid Waste Reduction Facility, replacement of large capacity cesspool, and the West Hawai'i County Building. Specific changes can be found in Communication No. 139.4}
- Bill 59: Establishes an Operating Budget for the County of Hawai'i for the fiscal year July 1, 2003 to June 30, 2004. {Proposed \$218,665,135 Operating Budget for the County of Hawai'i};
- Re: Comm. 140
Intr. by: Mr. Chung
Approved: FC-90
- and
- Comm. 140.11: From Jeff Rotman, Civil Engineer V, Public Works Department, dated April 14, 2003; and
- Comm. 140.12: From Council Member Joe Reynolds, dated April 23, 2003; and
- Comm. 140.13: From Mayor Harry Kim, dated May 5, 2003, transmitting Bill 59, Draft 2; and
- Bill 59:
(Draft 2) Establishes an Operating Budget for the County of Hawai'i for the fiscal year July 1, 2003 to June 30, 2004. {Proposed \$221,179,063 Operating Budget for the County of Hawai'i. Draft 2 proposes numerous amendments to the previously submitted budget for FY 2003-2004. A narrative summary of the amendments is attached to Communication No. 140.13 (available to the public). This draft revises revenues and expenditures for accounts under the General Fund (total adjustment \$1,837,825), Solid Waste Fund (total adjustment \$15,438), and Golf Course Fund (total adjustments -\$177,542).}

- HSEDC Rept. 2 (C-126.3): The Committee on Human Services and Economic Development is in accord with the purpose and intent of the funding recommendations of \$900,000 to 43 nonprofit agencies, as set forth in Communication 126.3 for inclusion in Bill 59, Draft 2, and recommends its adoption.
- Bill 92: (Draft 2) Amends Chapter 21-36.1 of the Hawai'i County Code 1983 (1995 Edition), relating to Recycled Water Service Charge Rates. {Establishes a fee for recycled water charge.}
- Re: Comm. 206.1
Intr. by: Mr. Safarik
Approved: FC-92
- Bill 93: (Draft 2) Amends Section 25-8-4 (South Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Single Family Residential (RS-15) and Agricultural (A-1a) to Village Commercial (CV-10) at Kalukalu 1st, South Kona, Hawai'i, covered by Tax Map Key 8-1-2:portion of 40 (Approx. 5.595 acres). {Hokukano Ranch, Inc., Applicant.}
- Re: Comm. 210.3
Intr. by: Ms. Leithead-Todd
Approved: PC-37
- Bill 94: Amends Section 25-8-4 (South 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 Family Agricultural (FA-3a) at Keopuka, South Kona, Hawai'i, covered by Tax Map Key 8-1-7:10 (Approx. 6.910 acres). {Reiner & Marianna Schrepfer, Applicant.}
- Re: Comm. 211
Intr. by: Ms. Leithead-Todd (B/R)
Approved: PC-38
- Bill 96: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) relating to Vehicles and Traffic. {Lowers the existing 35 mph speed limit on portions of Kawaihae Road to 30 mph improving overall traffic safety along Kawaihae Road, from Lindsey Road, to an area where Kawaihae Road enters State jurisdiction.}
- Re: Comm. 214
Intr. by: Mr. Elarionoff
Approved: PWIRC-18

Bill 99: 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 \$15,740 from Speed Enforcement; appropriates same to Speed Enforcement.}

Re: Comm. 219
Intr. by: Mr. Chung
Approved: FC-93

Bill 100: 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 \$250,000 from Federal Grants – Victims of Crime Act; appropriates same to Victims of Crime Act.}

Re: Comm. 220
Intr. by: Mr. Chung
Approved: FC-94

Bill 103: 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-20a) to Family Agricultural (FA-3a) and Agricultural (A-10a) at Kealakehe Homestead, First Series, North Kona, Hawai'i, covered by Tax Map Key 7-4-3:7 (Approx. 21.725 acres). {James B. Dusel, Applicant.}

Re: Comm. 226
Intr. by: Ms. Leithead-Todd
Approved: PC-39

Bill 104: Amends Section 15-68.1, Hawai'i County Code, Parks and Recreational Facility Schedule, by naming the Kawananakoa Hall--"Princess Abigail Wahi'ika'ahu'ula Kawananakoa Center".

Re: Comm. 227
Intr. by: Mr. Chung
Approved: PEMC-4

Bill 105: 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 \$251,000 from Federal Grants – Federal Transit Administration; appropriates same to Federal Transit Administration.}

Re: Comm. 228
Intr. by: Mr. Chung
Approved: FC-97

Bill 106: Amends Chapter 2 of the Hawai'i County Code 1983 (1995 Edition) relating to Administration. {This will allow the County of Hawai'i to issue checks or use other means to pay our creditors and employees, rather than issuing warrants.}

Re: Comm. 229
 Intr. by: Mr. Chung (B/R)
 Approved: FC-98

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 36: Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), relating to
 (Draft 5) Refuse Fee Schedule. {Draft 5 amends Section 20-46(c) relating to Disposal Fees and reflects the increase to the residential hauler's credit};

Re: Comm. 75.13
 Intr. By: Mr. Safarik
 1st Reading: May 7, 2003

and

Comm. 75.14: From Environmental Management Director Barbara Bell, dated May 12, 2003, transmitting Bill 36, Draft 6; and

Bill 36 Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), relating to
 (Draft 6) Refuse Fee Schedule. {Draft 6 amends Section 20-46(c) relating to Disposal Fees and further refines and clarifies how the residential hauler's credit is determined and audited.}

Bill 87: 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 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. Brillhante, Applicant.}

Re: Comm. 193.3
 Intr. by: Ms. Leithead-Todd
 1st Reading: May 7, 2003

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. Brillhante Self-Directed IRA, Applicant.}

Re: Comm. 194.1
 Intr. by: Ms. Leithead-Todd
 1st Reading: May 7, 2003

Bill 89: 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 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. 195.2
Intr. by: Ms. Leithead-Todd
1st Reading: May 7, 2003

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
1st Reading: May 7, 2003

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.
{The following changes are noted: 1) Deletes the County Clerk, Deputy County Clerk
and Legislative Auditor classes of work and pay rates. The Salary Commission now
sets the pay rates for these classes pursuant to the Hawai'i County Charter amendment;
2) Deletes the old hourly pay rate for the Student Intern, Student Helper I, Student
Helper II and the Senior Community Services Aid classes of work; and 3) Adds the
Student Helper II class for the Department of Public Works.}

Re: Comm. 201
Intr. by: Mr. Chung
1st Reading: May 7, 2003

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
1st Reading: May 7, 2003

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
 1st Reading: May 7, 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
 1st Reading: May 7, 2003

REPORTS

FC Rept. 91 (C-207): Recommends the acceptance of the post-audit Financial Report of the County of Hawai'i for the fiscal year ended June 30, 2002, as prepared by KPMG LLP.

FC Rept. 95 (C-222): Recommends the acceptance of ten gallons of waterborne paint from Mr. Alan Martins, \$25 donation from Kamehameha Schools – Hāmākua Preschool, and \$30 donation from Wal-Mart Hilo (to be utilized by the Parks and Recreation Department).

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.

Deferred: May 7, 2003

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>WEDNESDAY, MAY 21, 2003</u>	
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
	<u>TUESDAY, JUNE 3, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, JUNE 4, 2003</u>	
COUNCIL	9 a.m.	COUNCILROOM

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 19, 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 28, 2003, at 6 p.m.; Sunday, June 1, 2003, at 10:30 a.m.; and Wednesday, June 4, 2003, at 6 p.m.