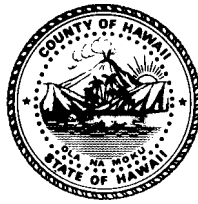


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

15th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

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

INVOCATION Pastor Paul McIlroy of the Kea'au Bible Church

CALL TO ORDER 9:09 a.m.

ROLL CALL All present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(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

BILLS FOR ORDINANCES (FIRST READING)

Bill 47: Amends Chapter 25, of the Hawai'i County Code 1983 (1995 Edition), relating to
(Draft 3) Zoning (Permitted Uses in the Industrial Commercial Mixed Use (MCX) District).

Re: Comm. 114.2
Intr. by: Ms. Leithead-Todd
Approved: PC-44

PASSED 1st READING

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

Bill 116: 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 'Ouli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-9:9. {Erwin L. Baldwin, Applicant.} {Revises Ordinance 03-70 (Bill 71) which was effective on May 13, 2003. A portion of the description (Number 3) was inadvertently not printed in the approved ordinance.}

Re: Comm. 168.1
Intr. By: Ms. Leithead-Todd
Waived: PC

PASSED 1st READING

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

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 260: Amends Chapter 14 (General Welfare) of the Hawai'i County Code 1983
(Draft 5) (1995 Edition), as amended, relating to Smoking in Certain Places in the County of Hawai'i. {Draft 5 amendments relate to: the insertion of a definition of "enclosed and partially enclosed" (Section 14-20(a)(6)); the deletion of the extra word "restroom" (Section 14-21(a)(4)); the banning of smoking in taxicabs (Section 14-21(a)(11)); the deletion of the 20% provision (Section 14-22(a)(2)); and several other minor

corrections.};

Re: Comm. 13.129
 Intr. by: Mr. Holschuh
 1st Reading: June 18, 2003

BILL 260, DRAFT 5, AS AMENDED WITH DRAFT 6, AS FURTHER AMENDED,
 HELD OVER TO NEXT MEETING (all related communications filed; Draft 7 failed)

And

- Comm. 13.111: From 18 individual postcards, as listed; and
- Comm. 13.112: From Carrie Kuwada, dated June 18, 2003; and
- Comm. 13.113: From Chris Dein-Gaughen, Coalition Coordinator, Hawai'i Island Tobacco-Free Partnership, West Hawai'i Unit (11 individual postcards); and

- Comm. 13.114: From Steven I. Hironaka, General Manager, Nihon Restaurant, dated June 17, 2003; and
- Comm. 13.115: From Chris Dein-Gaughen, Coalition Coordinator, Hawai'i Island Tobacco-Free Partnership, West Hawai'i Unit (121 individual postcards); and
- Comm. 13.116: From Kevin Kunz, M.D., M.P.H., FASM, dated June 17, 2003; and
- Comm. 13.117: From JoAnn Sato; and
- Comm. 13.118: From Tara Nakano, dated June 17, 2003; and
- Comm. 13.119: From Sally Ancheta, Hawai'i Island Coordinator, American Lung Association of Hawai'i, dated June 17, 2003; and
- Comm. 13.120: From Mary Huebner; and
- Comm. 13.121: From Bernie Lustgarten; and
- Comm. 13.122: From Pam Kalauli, dated June 17, 2003; and
- Comm. 13.123: From A. Stephen Woo, Jr., M.D., dated June 18, 2003; and
- Comm. 13.124: From Donna Chalmers, Executive Director, American Cancer Society, East Hawai'i Unit, dated June 17, 2003; and
- Comm. 13.125: Petition containing 29 signatures; and
- Comm. 13.126: From Tracie Yoshimoto, Coordinator, Hawai'i Island Tobacco-Free Partnership, East Hawai'i Unit, dated June 19, 2003; and
- Comm. 13.127: From Clifford Chang, Director, Coalition for a Tobacco Free Hawai'i, dated June 20, 2003; and
- Comm. 13.128: From Marlin and Maggie Ebert, dated June 22, 2003; and
- Comm. 13.130: From Council Member Bobby Jean Leithead-Todd, dated June 21, 2003, transmitting Bill 260, Draft 6; and

Bill 260: Amends Chapter 14 (General Welfare) of the Hawai'i County Code 1983 (Draft 6) (1995 Edition), as amended, relating to Smoking in Certain Places in the County of Hawai'i. {Draft 6 amendments relate to: allow smoking in owner's areas where clients and patients are not allowed during the hours the care facility is in operation (Section 14-21(a)(12)); the removal of the 15-foot provision (Section 14-21(a)(13)); and an amendment to correspond to the amendment made in Section 14-2(a)(12) (Section 14-22(a)(1)).};

And

- Comm. 13.131: From Kimberly M. K. Kekaula, dated June 2003; and

Comm. 13.132: From Lani Mench-Ka'awaloa, Alibi Tavern, Inc., dated June 19, 2003; and
 Comm. 13.133: From Marjorie F. Hirokawa and Chris Kanemitsu.

Bill 109:
 (Draft 2) 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 2-2-50:14 (Approx. 22,500 sq. ft.). {I. Kitagawa & Co., Ltd., Applicant.}

Re: Comm. 248.3
 Intr. by: Ms. Leithead-Todd
 1st Reading: June 18, 2003

PASSED 2nd AND FINAL READING

6 AYES: Council Members Elarionoff, Jacobson, Leithead-Todd, Reynolds, Safarik, and Chair Tyler

NOES: None

3 ABSENT & EXCUSED: Council Members Arakaki, Chung, and Holschuh

Bill 110:
 (Draft 2) 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 2-2-50:37 and 38 (Approx. 45,000 sq. ft.). {HAKS, Inc., Applicant.}

Re: Comm. 249.2
 Intr. by: Ms. Leithead-Todd
 1st Reading: June 18, 2003

PASSED 2nd AND FINAL READING

6 AYES: Council Members Elarionoff, Jacobson, Leithead-Todd, Reynolds, Safarik, and Chair Tyler

NOES: None

3 ABSENT & EXCUSED: Council Members Arakaki, Chung, and Holschuh

Bill 111: Amends Ordinance No. 91-38, which reclassified lands from Single Family Residential (RS-10) to Limited Industrial (ML-10) at Waiākea, South Hilo, Hawai'i, covered by Tax Map Key 2-2-35:31 (Approx. 11,450 sq. ft.). {Hirayama Brothers Electrical, Inc., Applicant.}

Re: Comm. 250
 Intr. By: Ms. Leithead-Todd
 1st Reading: June 18, 2003

PASSED 2nd AND FINAL READING

6 AYES: Council Members Elarionoff, Jacobson, Leithead-Todd, Reynolds, Safarik, and Chair Tyler

NOES: None
3 ABSENT & EXCUSED: Council Members Arakaki, Chung, and Holschuh

Bill 112: Amends Ordinance No. 00-128 which reclassified lands from Agricultural (A-1a) to Neighborhood Commercial (CN-20) at Keonepoko, Puna, Hawai'i, covered by Tax Map Key 1-5-07:20 (Approx. 4.901 acres). {Paul Ogasawara, Applicant.}

Re: Comm. 251
Intr. by: Ms. Leithead-Todd
1st Reading: June 18, 2003

PASSED 2nd AND FINAL READING

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

REPORTS

PEMC Rept. 5 (C-259): Recommends the appointment of Ms. Lorraine M. Stahr to the Hawai'i County Environmental Management Commission.

APPROVED

FC Rept. 107 (C-263): Recommends the acceptance of a donation of \$500 to the Department of Parks and Recreation for zoo activities at the Pana'ewa Rainforest Zoo (by the Kamehameha Schools - 6th Grade Faculty and Class, Ms. Lehua Enomoto, Mr. Gary Gray, Mrs. Sheryl Kahue, Mrs. Michele LeBlanc, Mrs. Miki Maeshiro, Mr. Chad Okamura, and Ms. Deede Santiago).

APPROVED

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the month ended May 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.)

OTHER BUSINESS

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

ANNOUNCEMENTS

TUESDAY, JULY 22, 2003

COMMITTEES

TBA

COUNCILROOM

COUNCIL	<u>WEDNESDAY, JULY 23, 2003</u> 9:00 a.m.	COUNCILROOM
COMMITTEES	<u>TUESDAY, AUGUST 5, 2003</u> TBA	COUNCILROOM
COUNCIL	<u>WEDNESDAY, AUGUST 6, 2003</u> 9:00 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 June 30, 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, July 9, 2003, at 6 p.m.; Sunday, July 13, 2003, at 10:30 a.m.; and Wednesday, July 16, 2003, at 6 p.m.