

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
JOE REYNOLDS
GARY SAFARIK

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

18th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, August 20, 2003
9:00 a.m.

INVOCATION

Reverend Doris Jean McNabb of the First United Protestant Church

CALL TO ORDER

9:08 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

Res. 86-03: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for three (3) truck tractors. {The Department of Environmental Management, Solid Waste Division, wishes to enter into a five-year lease with purchase options for these tractors.}

Re: Comm. 288
Intr. by: Mr. Chung
Approved: FC-119

ADOPTED

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Res. 87-03: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for eleven (11) refuse trailers. {The Department of Environmental Management, Solid Waste Division, wishes to enter into a five-year lease contract with purchase options for these trailers.}

Re: Comm. 289
Intr. by: Mr. Chung
Approved: FC-120

ADOPTED

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Res. 90-03: Authorizes the abandonment and sale of a portion of the Alenaio Street right-of-way to Ballard Mortuary. {Ballard Mortuary agrees to purchase the road right-of-way, which is less than 2,500 sq. ft in size, for \$3,006.55.}

Re: Comm. 295
Intr. by: Mr. Elarionoff
Approved: PWIRC-24

and

Comm. 295.1 From Assistant Corporation Counsel Gerald Takase, dated August 5, 2003, transmitting Resolution 90-03, Draft 2; and

Res. 90-03 Authorizes the abandonment and sale of a portion of the Alenaio Lane

(Draft 2): right-of-way to Ballard Mortuary. {Reference to "Alenaio Street" has been changed to "Alenaio Lane."}

ADOPTED

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Res. 91-03: Authorizes the acceptance of an Automatic External Defibrillator (AED) to the Hawai'i County Council from Dr. and Mrs. Earl Bakken and is valued at \$3,313.00. {The Lifepak 500 AED will be utilized by the County Fire Department personnel in the Hawai'i County Building.}

Re: Comm. 305
Intr. by: Mr. Holschuh
Waived: FC

ADOPTED

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

BILLS FOR ORDINANCES (FIRST READING)

Bill 127: Amends Ordinance No. 03-91, as amended, the operating budget for the County of Hawai'i for the fiscal year ending June 30, 2004. {Increases revenues of \$15,000 in the Glass Recycling Program; appropriates same to Glass Recycling Program.}

Re: Comm. 287
Intr. by: Mr. Chung
Approved: FC-118

PASSED 1ST READING

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Bill 129: 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 Rural District at Kohanaiki, North Kona, Hawai'i, covered by Tax Map Key 7-3-19:21 & 30 (approx. 7.315 acres). {Clifford Kabumoto, applicant.}

Re: Comm. 291
Intr. by: Ms. Leithead-Todd
Approved: PC-52

PASSED 1ST READING

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Bill 130
(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-3a) to Residential and Agricultural (RA-1a) at Kohanaiki, North Kona, Hawai'i, covered by Tax Map Key 7-3-19:21 & 30 (approx. 7.315 acres). {Clifford Kabumoto, applicant.}

Re: Comm. 291.1
Intr. by: Mr. Tyler
Approved: PC-53

PASSED 1ST READING

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 121
(Draft 2):

Amends Section 25-8-12 (Kawaihae-Puako Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Resort (V-1.25) to Single-Family Residential (RS-10) at Waimea, Lalamilo, South Kohala, Hawai'i, covered by Tax Map Key 6-9-3:15 (approx. 20,660 sq. ft.). {Gregory Mooers, applicant.}

Re: Comm. 277.2
Intr. by: Mr. Tyler
1st Reading: August 6, 2003

PASSED 2ND & FINAL READING

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Bill 122:

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 Ouli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:19 (approx. 5 acres). {Gregory R. Mooers, applicant.}

Re: Comm. 278
Intr. by: Ms. Leithead-Todd
1st Reading: August 6, 2003

PASSED 2ND & FINAL READING

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Bill 123: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code, by changing the district classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:19 (approx. 5 acres). {Gregory R. Mooers, applicant.}

Re: Comm. 278
 Intr. by: Ms. Leithead-Todd
 1st Reading: August 6, 2003

PASSED 2ND & FINAL READING

7 AYES: Council Members Chung, Elarionoff, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

1 ABSENT & EXCUSED: Council Member Holschuh

Bill 124: 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 6-2-11:13 (approx. 6.366 acres). {Howard Rodgers, applicant.}

Re: Comm. 280
 Intr. by: Ms. Leithead-Todd
 1st Reading: August 6, 2003

PASSED 2ND & FINAL READING

7 AYES: Council Members Chung, Elarionoff, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

1 ABSENT & EXCUSED: Council Member Holschuh

Bill 125: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code, by changing the district classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, covered by Tax Map Key 6-2-11:13 (approx. 6.366 acres). {Howard Rodgers, applicant.}

Re: Comm. 280
 Intr. by: Ms. Leithead-Todd
 1st Reading: August 6, 2003

PASSED 2ND & FINAL READING

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

Bill 126: Amends Ordinance No. 03-49 of the County of Hawai'i adopted on March 25, 2003, relating to the issuance of general obligation bonds. {Amends the 2003 A General Obligation Bond (GOB) Ordinance No. 03-49, to include reference to Ordinance No. 03-90, the Capital Improvement Program (CIP) Budget for fiscal year 2003-04, in which certain projects mentioned in the GOB ordinance were appropriated.}

Re: Comm. 281
 Intr. by: Mr. Chung
 1st Reading: August 6, 2003

PASSED 2ND & FINAL READING

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, 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. 306: AMANTIAD V. AMUIMUIA, COUNTY OF HAWAI'I, ET AL.,
 CIVIL NO. 02-1-0258
 From Deputy Corporation Counsel Harry P. Freitas, dated August 4, 2003

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 310: BROADWELL V. WAIKOLOA VILLAGE ASSN., ET AL.,
 CIVIL NO. 02-1-0197
 From Deputy Corporation Counsel Harry P. Freitas, dated August 6, 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.)

Comm. 313: NOMINATION AND VOTING PROCEDURE REGARDING COUNTY COUNCIL VACANCY FOR SECOND COUNCIL DISTRICT
 From County Clerk Al Konishi, dated August 10, 2003, transmitting a proposed "Nomination and Voting Procedure" to fill the vacancy on the County Council (Second Council District). Attaches a copy of a letter from Council Chair James Arakaki notifying Council Members of the vacancy pursuant to Sec. 3-4, Art. III, Hawai'i County Charter.

APPROVE NOMINATION AND VOTING PROCEDURE RECOMMENDATIONS, AS AMENDED

7 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chairman Arakaki.

NOES: None

ABSENT & EXCUSED: Council Member Chung

ANNOUNCEMENTS

	<u>WEDNESDAY, SEPTEMBER 3, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>THURSDAY, SEPTEMBER 4, 2003</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, SEPTEMBER 16, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, SEPTEMBER 17, 2003</u>	
COUNCIL	9:00 a.m.	OHANA KEAUHOU BEACH RESORT

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 12:40 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 August 18, 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, August 27, 2003, at 6 p.m.; Sunday, August 31, 2003, at 10:30 a.m.; and Wednesday, September 3, 2003, at 6 p.m.