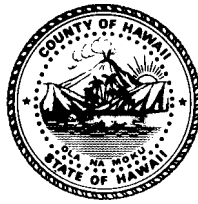


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

19th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Thursday, September 4, 2003
9:00 a.m.

INVOCATION Minister Earl Ikeda, Puna Hongwanji Mission

CALL TO ORDER 9:20 a.m.

ROLL CALL All Present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES June 18, 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

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

ORDER OF RESOLUTIONS

Res. 80-03
(Draft 2): Authorizes the 1) extension of the public sewer along Kalawa Street; and 2) reimbursement for the cost of construction of the extension for Tante and Araceli Urban, at Kailua-Kona, Hawai'i. {The applicant proposes to comply with Section 21-28(a) of the County Code to construct the sewer extension for the County and, in return, receive stated benefits from the County for the stated period of time.}

Re: Comm. 258.2
Intr. by: Mr. Safarik
Approved: PEMC-6

ADOPTED

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

NOES: None

Res. 96-03: Authorizes the Corporation Counsel, and his authorized representatives, to enter into an agreement with the individually named party, who is an employee of the County of Hawai'i, to represent her in the civil action entitled Guy B. Shepard vs. Officer Lucille Melemai, et al., Civil No. 02-1-0368.

Re: Comm. 325
Intr. by: Mr. Chung
Waived: FC

ADOPTED

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

NOES: None

Res. 233-02
(Draft 2): Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a Core Financial Accounting System and related components. {The multi-year lease agreement for a five-year period, with purchase options for the acquisition of a financial software system with related components, shall not exceed \$1,200,000.}

Re: Comm. 312
Intr. by: Mr. Chung

Approved: FC-124

ADOPTED

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

NOES: None

BILLS FOR ORDINANCES (FIRST READING)

Bill 131: Amends Ordinance No. 03-90, as amended, relating to public improvements and financing thereof for the fiscal year July 1, 2003, to June 30, 2004. {Adds PUBLIC WORKS - ADA Curb Ramp Compliance Program-Federal (\$2,500,000); funds to be provided from Federal Grants Receivable (\$2,500,000).}

Re: Comm. 301

Intr. by: Mr. Chung

Approved: FC-121

PASSED 1ST READING

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

NOES: None

Bill 132: 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 in the Gang Response System (\$18,258); appropriates same to Gang Response-Hilo (\$9,258) and Gang Response-Kona (\$9,000), for a total of \$18,258.}

Re: Comm. 302

Intr. by: Mr. Chung

Approved: FC-122

PASSED 1ST READING

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

NOES: None

Bill 133: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 edition) relating to vehicles and traffic. {Deletes existing mid-block crosswalk on Mamalahoa Highway in front of Central Kona Union Church.}

Re: Comm. 304

Intr. by: Mr. Elarionoff

Approved: PWIRC-25

DEFERRED TO THE SEPTEMBER 17, 2003, COUNCIL MEETING

Bill 134: Amends the State Land Use Boundaries Map, H-67 for the County of Hawai'i, by changing the district classification from the Agricultural to the Urban District at Ola'a, Puna, Hawai'i, Covered by Tax Map Key 1-7-1:Portion of 11 (approx. 2.814 acres). {Kea'au Service Station, Inc., applicant.}

Re: Comm. 308
 Intr. by: Mr. Tyler (B/R)
 Approved: PC-54

PASSED 1ST READING

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

1 NO: Council Member Jacobson

Bill 135 (Draft 2): Amends Section 25-8-24 (Kurtistown Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Village Commercial (CV-20) at Ola'a, Puna, Hawai'i, covered by Tax Map Key 1-7-1:Portion of 11 (approx. 2.814 acres). {Kea'au Service Station, Inc., applicant.}

Re: Comm. 308.2
 Intr. by: Mr. Tyler
 Approved: PC-55

AMENDED TO DRAFT 3 AND PASSED 1ST READING

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

1 NO: Council Member Jacobson

1 ABSENT & EXCUSED: Council Member Chung

ORDER OF THE DAY (SECOND OR FINAL 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
 1st Reading: August 20, 2003

PASSED 2ND & FINAL READING

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

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

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
 1st Reading: August 20, 2003

PASSED 2ND & FINAL 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
 1st Reading: August 20, 2003

AMENDED TO DRAFT 3 AND PASSED 2ND & FINAL READING

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

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

REPORTS

FC-123
(Comm. 311) Recommends the acceptance of a 13" symphonic TV/VCR (total estimated value of \$126) from the Kmart Corporation to the Department of Parks & Recreation, Aquatics Division, for use at Konawaena Pool and other facilities to teach American Red Cross classes to the community.
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.)

COUNTY COUNCIL DISTRICT II VACANCY (REFERENCE COMM. 313.13)

The following Communications Numbered 313.1 (from Gary Y. Murai), 313.2 (from Michael C. Tulang), 313.6 (from Dan Lyons), 313.10 (from Margarita L. Hopkins), 313.11 (from Valta A. Cook), and 313.12 (from Brenda L. Carreira) were received from individuals interested in filling the vacancy on the County Council (Second Council District); and the remaining communications are from those supporting these applicants.

NOMINATES MICHAEL C. TULANG, COUNCIL MEMBER, DISTRICT II

Comm. 313.1: From Gary Y. Murai, dated June 23, 2003; and
Comm. 313.2: From Michael C. Tulang, dated July 14, 2003; and
Comm. 313.3: From Raymond Carr, Ph.D.; and
Comm. 313.4: From Enrique Martinez, President, Hawai'i Export Nursery Association, dated July 22, 2003; and
Comm. 313.5: From Rick Castberg, dated July 22, 2003; and
Comm. 313.6: From Dan Lyons; and
Comm. 313.7: From Jo Ann Johnston, President, Jo Ann Johnston & Company, dated August 14, 2003; and
Comm. 313.8: From Glen and Melitta Hodson; and
Comm. 313.9: From Stanley and Judith Fujiyama; and
Comm. 313.10: From Margarita L. Hopkins; dated August 18, 2003; and
Comm. 313.11: From Valta A. Cook, dated August 18, 2003; and
Comm. 313.12: From Brenda L. Carreira, dated August 26, 2003; and
Comm. 313.13: From Jay Mende, Deputy County Clerk, dated August 26, 2003.

ANNOUNCEMENTS

	<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
	<u>TUESDAY, OCTOBER 7, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, OCTOBER 8, 2003</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 12:04 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 September 2, 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, September 10, 2003, at 6 p.m.; Sunday, September 14, 2003, at 10:30 a.m.; and Wednesday, September 17, 2003, at 6 p.m.