

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
MICHAEL C. TULANG

COUNTY COUNCIL

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

20th Session

ORDER OF BUSINESS

Hawai'i County Council
Ohana Keauhou Beach Resort
Room Kahalu'u I
78-6740 Ali'i Drive
Kailua-Kona, Hawai'i

Wednesday, September 17, 2003
9:00 a.m.

INVOCATION	Pastor Keith Elliot, Kona Church of God
CALL TO ORDER	9:04 a.m.
ROLL CALL	All present
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	None

(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. 92-03
(Draft 2): Authorizes the abandonment and disposition of a roadway reserve situated at Pu'uuanahulu Homesteads, North Kona, Hawai'i, being a portion of Tax Map Keys:(3)7-1-005-020, 022, 027, and 062. {The fair market value of the road, with an area of .877 acre (38,202 sq. ft.), is \$5,700.}

Re: Comm. 307.1
Intr. by: Mr. Elarionoff
Approved: PWIRC-26

AMENDED TO DRAFT 3 & ADOPTED

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Res. 93-03: Authorizes the acceptance of Ten Thousand Dollars (\$10,000) from the Hawai'i Community Foundation for the Hawai'i Island Methamphetamine Seminar. {Funds to be used for the Hawai'i Island Methamphetamine Seminar (a conference focused on community-based solutions to the devastating problem of crystal methamphetamine or ICE).}

Re: Comm. 322
Intr. by: Mr. Chung
Approved: FC-126

ADOPTED

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Res. 94-03: Authorizes the receipt and expenditure of state funding appropriated by the state legislature pursuant to Act 3, Special Session Laws of Hawai'i 2003, for the establishment of an adolescent treatment center and for community anti-drug efforts on the Island of Hawai'i. {The adolescent treatment center treats poly-drug abuse; the anti-drug efforts are aimed at preventing crystal methamphetamine use.}

Re: Comm. 323
 Intr. by: Mr. Chung
 Approved: FC-128

DEFERRED

BILLS FOR ORDINANCES (FIRST READING)

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.}; and

Re: Comm. 304
 Intr. by: Mr. Elarionoff
 Deferred: September 4, 2003

- Comm. 304.1: From Traffic Division Chief Casey K. Yanagihara, Public Works Department, dated August 29, 2003; and
- Comm. 304.2: From Ann Peterson, Chair, Kona Traffic Safety Committee, dated September 3, 2003; and
- Comm. 304.3: From Michael J. Matsukawa, Elder, Central Kona Union Church, dated September 3, 2003; and
- Comm. 304.4: From Kathleen Tsugawa, Crossing Guard Committee, Central Kona Union Church, dated September 3, 2003; and
- Comm. 304.5: From Traffic Division Chief Casey K. Yanagihara, Public Works Department, dated September 5, 2003; and
- Comm. 304.6: From Tomoe Nimori, Moderator, Central Kona Union Church, dated September 8, 2003.

[Note: There is a pending motion by Mr. Elarionoff and duly seconded by Mr. Holschuh to approve Bill 133.]

PASSED 1ST READING

7 AYES: Council Members Arakaki, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang.
 1 NO: Chairman Tyler.
 1 ABSENT & EXCUSED: Council Member Chung.

Bill 136 (Draft 2): Amends Ordinance No. 97-65 which amended Ordinance No. 92-123, which changed the district classification from Agricultural (A-20a) to Agricultural (A-1a) at Ola'a, Puna, Hawai'i, covered by Tax Map Key 1-7-17:3 (area: 45.945 acres). {Kapoho Properties, applicant.}

Re: Comm. 309.1
 Intr. by: Mr. Arakaki
 Approved: PC-56

AMENDED TO DRAFT 3 & PASSED 1ST READING

7 AYES: Council Members Arakaki, Chung, Elarionoff, Holschuh, Reynolds, Safarik, Tulang.

2 NOES: Council Member Jacobson and Chairman Tyler.

Bill 137: Amends Section 15-68.1, Hawai'i County Code, Parks and Recreational Facility Schedule-Parks, Kohala, by renaming the Samuel M. Spencer Beach Park—"Spencer Park at 'Ōhai'ula Beach" and the pavilion at 'Ōhai'ula—"Samuel Mahuka Spencer Pavilion."

Re: Comm. 315
 Intr. by: Mr. Elarionoff
 Approved: PEMC-7

PASSED 1ST READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 138: 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 Contribution from Private Source (\$10,000); appropriates same to Hawai'i Island Methamphetamine Summit – Private (\$10,000).}

Re: Comm. 322
 Intr. by: Mr. Chung
 Approved: FC-127

PASSED 1ST READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 139 (Draft 2): 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 Adolescent Treatment Center (\$300,000) and Community Anti-Drug Efforts (\$100,000), for a total of \$400,000; appropriates same to Adolescent Treatment Center and Community Anti-Drug Efforts; and

Re: Comm. 323.3
 Intr. by: Mr. Chung
 Approved: FC-129

Comm. 323.4: From Finance Director, William Takaba, dated September 4, 2003, transmitting Bill 139, Draft 3. {Draft 3 replaces the revenue base account numbers 3303.29 (Adolescent Treatment Center) and 3303.30 (Community Anti-Drug Efforts) with the proper state grants base account numbers 3305.34 (Adolescent Treatment Center) and 3305.35 (Community Anti-Drug Efforts), respectively.}; and

Bill 139 (Draft 3): Amends Ordinance No. 03-91, as amended, the operating budget for the County of Hawai'i for the fiscal year ending June 30, 2004.

DEFERRED

ORDER OF THE DAY (SECOND OR FINAL 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
1st Reading: September 4, 2003

PASSED 2ND & FINAL READING

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

NOES: None.

2 ABSENT & EXCUSED: Council Members Chung and Holschuh.

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
1st Reading: September 4, 2003

PASSED 2ND & FINAL READING

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

NOES: None.

2 ABSENT & EXCUSED: Council Members Chung and Holschuh.

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)
1st Reading: September 4, 2003

PASSED 2ND & FINAL READING

8 AYES: Council Members Arakaki, Chung, Elarionoff, Holschuh, Reynolds, Safarik, Tulang, and Chairman Tyler.
1 NO: Council Member Jacobson.

Bill 135 (Draft 3): 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. 308.3
Intr. by: Mr. Arakaki
1st Reading: September 4, 2003

AMENDED TO DRAFT 4 & PASSED 2ND & FINAL READING

8 AYES: Council Members Arakaki, Chung, Elarionoff, Holschuh, Reynolds, Safarik, Tulang, and Chairman Tyler.
1 NO: Council Member Jacobson.

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the month ended June 30, 2003.

APPROVED

FC Rept. 125 (Comm. 321): Recommends the acceptance of the donation of two bicycle racks (valued at \$864.00) from One Handy Subway, Ltd., to the Department of Public Works, for public use in the downtown Hilo area.

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.)

Comm. 333: JOHN ADAIR DBA THUNDERING SEAS JEWELERS V. COUNTY OF HAWAI'I, CIVIL NO. 02-1-0381

From Deputy Corporation Counsel Joseph K. Kamelamela, dated August 29, 2003.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 344: SUSAN DACQUEL, ET AL., V. BILLY GARVIDA, ET AL., CIVIL NO. 99-59

From Deputy Corporation Counsel Joseph K. Kamelamela, dated August 29, 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.)

ANNOUNCEMENTS

	<u>TUESDAY, OCTOBER 7, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, OCTOBER 8, 2003</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, OCTOBER 21, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, OCTOBER 22, 2003</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

STATEMENTS FROM THE PUBLIC**ADJOURNMENT** 12:24 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 15, 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 24, 2003, at 6 p.m.; Sunday, September 28, 2003, at 10:30 a.m.; and Wednesday, October 1, 2003, at 6 p.m.