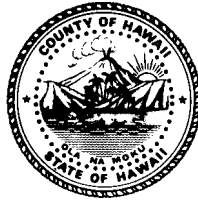


JAMES Y. ARAKAKI  
*Chairman & Presiding Officer*

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*

25<sup>th</sup> 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, December 3, 2003  
9:00 a.m.

INVOCATION

Reverend Tullos Jones of the Kona Baptist Church

CALL TO ORDER

9:05 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. 124-03 (Draft 2): Accepts the Dedication of 1.112 Acres, More or Less (for the Kea'au Community Center) from W.H. Shipman, Limited, Situated at Kea'au, District of Puna, County and State of Hawai'i, Tax Map Key (3) 1-6-143-41 to the County of Hawai'i. {The Parks and Recreation Department has plans and funding for continuing facility's use as a community center.}

Re: Comm. 401.1  
Intr. by: Mr. Reynolds  
Approved: PEMC-9

**AMENDED TO DRAFT 3 AND ADOPTED**

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

**NOES:** None.

**2 ABSENT & EXCUSED:** Council Members Chung and Holschuh.

Res. 125-03: 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 a Puna Regional Circulation Plan Grant. {Funds to be used to develop a long-range regional transportation circulation plan for the Puna region.}

Re: Comm. 404  
Intr. by: Mr. Chung  
Approved: FC-169

and

Comm. 404.1: From Deputy Planning Director Roy Takemoto transmitting a "Proposed Work Item Form" regarding the Puna Regional Circulation Plan (Amendment #1).

**ADOPTED**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Res. 126-03: 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 a Rural Paratransit System Study Grant. {Funds to be used for a pilot study for a rural paratransit system plan for the Puna and Kona districts.}

Re: Comm. 411

Intr. by: Mr. Chung  
Approved: FC-173

and

Comm. 411.1: From Mass Transit Administrator Thomas Brown transmitting a "Proposed Work Item Form" regarding a Pilot Study for a Rural Paratransit System (Amendment #1).

**ADOPTED**

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 127-03: 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 Hawai'i County Fire Department's "Jaws of Life" Project. {Funds to be used to purchase power extrication tools, commonly called the "Jaws of Life," to be assigned to the Kaumana and Kawaihani Fire units.}

Re: Comm. 412  
Intr. by: Mr. Chung  
Approved: FC-175

**ADOPTED**

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

NOES: None.

ABSENT & EXCUSED: None.

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 179: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Appropriates revenues in Federal Grants – Puna Regional Circulation Plan (\$120,000); appropriates same to Puna Regional Circulation Plan.}

Re: Comm. 404  
Intr. by: Mr. Chung  
Approved: FC-170

**PASSED 1<sup>ST</sup> READING**

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 180: 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 State Grants – Coordinated Services Purchase of Services (\$8,352); appropriates same to Coordinated Services Salaries and Wages. Funds will supplement the current salaries and wages budget of Coordinated Services Program and enable staff to provide in-home chore services to an increased number of disabled/older adults.}

Re: Comm. 405  
 Intr. by: Mr. Chung  
 Approved: FC-171

**PASSED 1<sup>ST</sup> READING**

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 181: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004.  
 {Appropriates revenues in Federal Grants – Rural Paratransit System Study (\$100,000); appropriates same to Rural Paratransit System Study.}

Re: Comm. 411  
 Intr. by: Mr. Chung  
 Approved: FC-174

**PASSED 1<sup>ST</sup> READING**

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 182: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004.  
 {Appropriates revenues in Federal Grants – Jaws of Life (\$44,000); appropriates same to Jaws of Life.}

Re: Comm. 412  
 Intr. by: Mr. Chung  
 Approved: FC-176

**PASSED 1<sup>ST</sup> READING**

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 192: 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: Pu'ukapu Flood Study (\$300,000); funds to be provided from Federal Grants Receivable (\$300,000).}

Re: Comm. 10.1  
 Intr. by: Mr. Chung  
 Waived: FC  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 1<sup>ST</sup> READING**

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

NOES: None.

ABSENT & EXCUSED: None.

**ORDER OF THE DAY (SECOND OR FINAL READING)**

Bill 159 Amends the State Land Use Boundaries Map, H-66 for the County of  
 (Draft 2): Hawai'i, by Changing the District Classification from the Agricultural to the Urban District at Kea'au, Puna, Hawai'i, Covered by Tax Map Key 1-6-3:Por. 99. {Approx. 14.901 acres; Puna Sugar Mill, LLC, applicant.}

Re: Comm. 370.1  
 Intr. by: Mr. Arakaki  
 1<sup>st</sup> Reading: November 19, 2003

**PASSED 2<sup>ND</sup> & FINAL READING**

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

2 NOES: Council Member Jacobson and Chairman Tyler.

1 ABSENT & EXCUSED: Council Member Safarik.

Bill 160 Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25  
 (Draft 3): (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-20a) to Limited Industrial (ML-20) and Agricultural (A-5a) at Kea'au, Puna, Hawai'i, Covered by Tax Map Key 1-6-3:99. {Parcel "A," approx. 14.901 acres and Parcel "B," approx. 8.724 acres; Puna Sugar Mill, LLC, applicant.}

Re: Comm. 370.2  
 Intr. by: Mr. Arakaki  
 1<sup>st</sup> Reading: November 19, 2003

**PASSED 2<sup>ND</sup> & FINAL READING**

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

2 NOES: Council Member Jacobson and Chairman Tyler.

1 ABSENT & EXCUSED: Council Member Safarik.

Bill 164  
(Draft 3):

Amends Ordinance No. 91-91, Which Changed the District Classification from Agricultural (A-1a) to Village Commercial (CV-1a) at Holualoa 1<sup>st</sup> and 2<sup>nd</sup>, North Kona, Hawai'i, Covered by Tax Map Key 7-6-8:Portion of 5 (Formerly Tax Map Key 7-6-8:Portion of 10). {Approx. 1 acre; Pua'anui Partnership, applicant.}

Re: Comm. 374.2  
Intr. by: Mr. Elarionoff  
1<sup>st</sup> Reading: November 19, 2003

**AMENDED TO DRAFT 4 & PASSED 2<sup>nd</sup> & FINAL READING**

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

**NOES:** None.

**1 ABSENT & EXCUSED:** Council Member Safarik.

Bill 165  
(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-5a) to Family Agricultural (FA-2a) at O'oma 1<sup>st</sup>, North Kona, Hawai'i, Covered by Tax Map Key 7-3-7:40 and 41. {Approx. 42.793 acres; James and Mihoko Malian, applicant.}

Re: Comm. 375.1  
Intr. by: Mr. Elarionoff  
1<sup>st</sup> Reading: November 19, 2003

**PASSED 2<sup>nd</sup> & FINAL READING**

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

**NOES:** None.

**1 ABSENT & EXCUSED:** Council Member Safarik.

Bill 166:

Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) Relating to Vehicles and Traffic. {Adds Lanikāula Street/Manono Street traffic signal system.}

Re: Comm. 380  
Intr. by: Mr. Safarik  
1<sup>st</sup> Reading: November 19, 2003

**PASSED 2<sup>nd</sup> & FINAL READING**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 167: 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. {Reappropriates lapsed 1988-92, 1992-94, 1994-96, 1996-98, 1998-2000, and 2000-02 fuel tax district appropriations to the following districts: Circle Island (\$143,399.01), Puna (\$125,000.88), South Hilo (\$18,771.57), North Hilo (\$694.81), Hāmākua (\$12,248.29), South Kohala (\$20,000.00), North Kona (\$1,014,691.85), Ka'ū (\$49,466.98), and TEA Projects (\$1,235,005.68), for a total of \$2,619,279.07; funds to be provided from Capital Projects Fund: Fund Balance – Fuel Tax Increase 88-92 (\$119,743.67), Fund Balance – Fuel Tax Increase 92-94 (\$860.62), Fund Balance – Fuel Tax Increase 94-96 (\$290,956.64), Fund Balance – Fuel Tax Increase 96-98 (\$766,283.58), Fund Balance – Fuel Tax Increase 98-00 (\$4,998.34), and Fund Balance – Fuel Tax Increase 00-02 (\$1,436,436.22), for a total of \$2,619,279.07.}

Re: Comm. 382  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: November 19, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>nd</sup> & FINAL READING**

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

NOES: None.

**ABSENT & EXCUSED: None.**

Bill 168: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Appropriates revenues in Fund Balance from Prior Year – Reserved (\$385,458.35); appropriates same to Transfer to Capital Project Fund.}

Re: Comm. 383  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: November 19, 2003

**PASSED 2<sup>nd</sup> & FINAL READING**

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

NOES: None.

**1 ABSENT & EXCUSED: Council Member Chung.**

Bill 171: 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: Ka'ohē Homestead North Road Improvement – Private (\$20,399.55); funds to be provided from Private Contributions (\$20,399.55).}

Re: Comm. 387  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: November 19, 2003  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>nd</sup> & FINAL READING**

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 172: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) Relating to Vehicles and Traffic. {Adjusts parking prohibition times located on the Puna side of Waiuanue Avenue between the Hilo Terrace Apartments and Takata Dental Health Center.}

Re: Comm. 388  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: November 19, 2003

**PASSED 2<sup>nd</sup> & FINAL READING**

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 173  
 (Draft 3): Amends Ordinance No. 97-49, Which Reclassified Lands From Open (O) to Resort – Hotel (V-2a) at Anaehoomalu, South Kohala, Hawai'i, Covered by Tax Map Key 6-9-7:15. {Approx. 9.643 acres; The Bay Club Ownership, Inc., applicant.}

Re: Comm. 391.2  
 Intr. by: Mr. Elarionoff  
 1<sup>st</sup> Reading: November 19, 2003

**PASSED 2<sup>nd</sup> & FINAL READING**

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

NOES: None.

ABSENT & EXCUSED: None.

**REPORTS**

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the month ended October 31, 2003.

**APPROVED**

FC Rept. 172 (Comm. 408): Recommends the acceptance of the donation of a washer and dryer (valued at \$600) from Friends of the Zoo to the Department of Parks & Recreation's Pana'ewa Rainforest Zoo, Zoo Service Building, to wash towels and bedding material used when injured or sick animals are housed in the service 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.)

**OTHER BUSINESS**

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

**ANNOUNCEMENTS**

	<u>TUESDAY, DECEMBER 16, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, DECEMBER 17, 2003</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>THURSDAY, DECEMBER 18, 2003</u>	
PLANNING COMMITTEE WORKSHOP RE GENERAL PLAN	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, JANUARY 6, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, JANUARY 7, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

**STATEMENTS FROM THE PUBLIC**

ADJOURNMENT **10:32 a.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 December 1, 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, December 10, 2003, at 6 p.m.; Sunday, December 14, 2003, at 10:30 a.m.; and Wednesday, December 17, 2003, at 6 p.m.