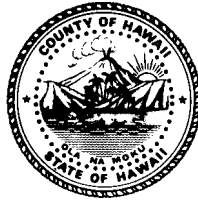


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

28th Session

ORDER OF BUSINESS

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

Friday, January 23, 2004
9:00 a.m.

INVOCATION Pastor Terry Meechan of Thy Word Ministries – Kona

CALL TO ORDER 9:09 a.m.

ROLL CALL All present except Council Members Chung, Safarik and Arakaki

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES September 4, 2003; and September 17, 2003 - APPROVED

(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. 138-04: 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 Hawai'i County Police Department Roadblock Program Grant. {Funds to be used to reduce the number of alcohol related traffic fatalities and injuries, increase public awareness, and provide constant deterrence against drunk driving by conducting DUI checkpoints.}

Re: Comm. 440
Intr. by: Mr. Chung
Approved: FC-188

ADOPTED

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.
NOES: None.
3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Res. 139-04: Authorizes the Office of the Mayor to Enter Into an Agreement With the State of Hawai'i Department of Business, Economic Development & Tourism, Pursuant to HRS 46-7, for a Hazards Mitigation Plan Grant. {Objective to supplement existing resources in areas of perceived weaknesses in the preparation of the hazard mitigation plan.}

Re: Comm. 441
Intr. by: Mr. Chung
Approved: FC-190

and

Comm. 441.1: From Deputy Planning Director Roy Takemoto, dated January 8, 2004, transmitting background information regarding the Coastal Zone Management Grant for hazard mitigation.

ADOPTED

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.
NOES: None.
3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Res. 140-04: Authorizes the Office of the Mayor to Enter Into an Agreement With the University of Hawai'i at Manoa and the Institute of Geological & Nuclear Sciences, Pursuant to HRS 46-7, for Their Assistance With the Development of a Hazards Mitigation Plan. {Prospective contractor, the University of Hawai'i, has international and varied expertise in hazard planning that would add depth and different perspectives to the Plan.}

Re: Comm. 441
Intr. by: Mr. Chung
Approved: FC-191

ADOPTED

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Res. 141-04: Authorizes the Acceptance of Two (2) Basketball Backboards for the Pa'auilo Gym. {Donation from the Nakahara Family to the Parks and Recreation Department (estimated value of \$1,518)}.

Re: Comm. 445
Intr. by: Mr. Holschuh
Approved: FC-194

ADOPTED

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

BILLS FOR ORDINANCES (FIRST READING)

Bill 190: Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), Relating to Solid Waste Fees. {Transfers the solid waste fee setting authority from the County Council to the Environmental Management Commission as provided by Section 6-5.5 of the Hawai'i County Charter 2000.}

Re: Comm. 424
Intr. by: Mr. Reynolds (B/R)

and

Bill 190
(Draft 2): Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), Relating to Solid Waste Fees. {Transfers the solid waste fee setting authority from the County Council to the Environmental Management Commission as provided by Section 6-5.5 of the Hawai'i County Charter 2000.} Draft 2 corrects the fee schedule with a recently adopted fee schedule.

Re: Comm. 424.1
Intr. by: Mr. Reynolds (B/R)
File: PEMC-10

FILED

Bill 191: Amends Chapter 21, of the Hawai'i County Code 1983 (1995 Edition), Relating to Sewer Service Charges. {Transfers the sewer service charges rate setting authority from the County Council to the Environmental Management Commission as provided by Section 6-5.5 of the Hawai'i County Charter 2000.}

Re: Comm. 424
Intr. by: Mr. Reynolds (B/R)

and

Bill 191
(Draft 2): Amends Chapter 21, of the Hawai'i County Code 1983 (1995 Edition), Relating to Sewer Service Charges. {Transfers the sewer service charges rate setting authority from the County Council to the Environmental Management Commission as provided by Section 6-5.5 of the Hawai'i County Charter 2000.} Draft 2 corrects the fee schedule with a recently adopted fee schedule.

Re: Comm. 424.1
Intr. by: Mr. Reynolds (B/R)
File: PEMC-11

FILED

Bill 194: 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 6-2-11:34 (5.0012 Acres). {Andrew J. Frogley, Applicant.}

Re: Comm. 435
Intr. by: Mr. Elarionoff
Approve: PC-67

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 195: Amends Section 25-8-7 (North and South Kohala Districts Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i 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 6-2-11:34 (5.0012 Acres). {Andrew J. Frogley, Applicant.}

Re: Comm. 435
 Intr. by: Mr. Elarionoff
 Approve: PC-68

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 196 (Draft 2): Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-20a) to Agricultural (A-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-26:16 (21.121 Acres). {Taylor M. Easley, Applicant.}

Re: Comm. 436.1
 Intr. by: Mr. Elarionoff
 Approve: PC-69

PASSED 1ST READING

5 AYES: Council Members Elarionoff, Holschuh, Reynolds, Tulang, and Chairman Tyler.

1 NO: Council Member Jacobson.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 197 (Draft 2): Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-20a) to Agricultural (A-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-27:10 (31.095 Acres). {Eugene H. Clapp, Applicant.}

Re: Comm. 437.1
 Intr. by: Mr. Elarionoff
 Approve: PC-70

and
 Comm. 437.3: From Planning Director Chris Yuen, dated January 14, 2004, informing that the metes and bounds description contained in Bill 197 is incorrect and requests that it be amended with the correct metes and bounds description;
 and

Comm. 437.2: From Planning Committee Chair Leningrad Elarionoff, dated January 11, 2004, transmitting Bill 197, Draft 3. Draft 3 corrects the metes and bounds description; and

Bill 197
(Draft 3): Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-20a) to Agricultural (A-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-27:10 (31.095 Acres). {Eugene H. Clapp, Applicant.}

PASSED 1ST READING

5 AYES: Council Members Elarionoff, Holschuh, Reynolds, Tulang, and Chairman Tyler.

1 NO: Council Member Jacobson.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 200: 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 – Hawai'i County Police Department Roadblock Program (\$112,688); appropriates same to Hawai'i County Police Department Roadblock Program.}

Re: Comm. 440
Intr. by: Mr. Chung
Approve: FC-189

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 201: 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 State Grants – Coastal Zone Management Hazards Mitigation Plan (\$26,000); appropriates same to Coastal Zone Management Hazards Mitigation Plan.}

Re: Comm. 441
Intr. by: Mr. Chung
Approve: FC-192

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 203: Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural (A-20a) to Agricultural (A-5a) at Keaau, Puna, Hawai'i, Covered by Tax Map Key 1-6-141:001 (14.587 Acres). {Hawai'i Brewery Development Co., Inc., Applicant.}

Re: Comm. 443
 Intr. by: Mr. Elarionoff
 Approve: PC-71

DEFERRED

Bill 204: 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 PARKS AND RECREATION: Waikoloa – Ho'oko Street Park – County (\$147,700) and Waikoloa – Ho'oko Street Park – Private (\$102,300) for a total of \$250,000; funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$147,700) and Private Contributions (\$102,300) for a total of \$250,000.}

Re: Comm. 444
 Intr. by: Mr. Elarionoff
 Approve: FC-193
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 205: 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 following: Real Property Taxes (\$820,000), Real Property Penalties (\$80,000), and Real Property Interests (\$600,000) for a total of \$1,500,000; appropriates to the following: Transfer to Self Insurance Fund (\$1,000,000) and Transfer to Solid Waste Fund (\$500,000) for a total of \$1,500,000.}

Re: Comm. 446
 Intr. by: Mr. Chung
 Approve: FC-195

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 206: 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 Transfer From General Fund (\$500,000); appropriates to the following: Landfills – Other Current Expenses (\$350,000) and Pu'uana'hulu – West Hawai'i Landfill – Other Current Expenses (\$150,000) for a total of \$500,000.}

Re: Comm. 446
 Intr. by: Mr. Chung
 Approve: FC-196

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

Bill 207: 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 Reserved for Liquor Control (\$117,500); appropriates to the following: Liquor Control – Equipment (\$112,500) and Public Programs (\$5,000) for a total of \$117,500.}

Re: Comm. 447
 Intr. by: Mr. Chung
 Approve: FC-197

and

Comm. 447.1: From Director of Finance William Takaba, dated January 8, 2004, transmitting Bill 207, Draft 2. Draft 2 changes the appropriation from \$117,500 to \$111,500 for the Liquor Control – Equipment account; and

Bill 207 (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. {Appropriates revenues in Fund Balance Reserved for Liquor Control (\$111,500); appropriates to the following: Liquor Control – Equipment (\$106,500) and Public Programs (\$5,000) for a total of \$111,500.}

PASSED 1ST READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.

NOES: None.

3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 193: 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: Puainako Street Extension Project – County Match (\$700,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$700,000).}

Re: Comm. 430
 Intr. by: Mr. Chung
 1st Reading: January 7, 2004
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING

6 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tulang, and Chairman Tyler.
 NOES: None.
 3 ABSENT & EXCUSED: Council Members Chung, Safarik and Arakaki.

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.)

OTHER BUSINESS

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

ANNOUNCEMENTS

FRIDAY, JANUARY 30, 2004

PEMC SUBCOMMITTEE
 ON WASTE MANAGEMENT 6:00 p.m. OHANA KEAUHOU RESORT

TUESDAY, FEBRUARY 3, 2004

COMMITTEES PEMC – 9:00 a.m. PC – 2:00 p.m. COUNCIL ROOM
 FC – 10:30 a.m.
 PWIRC – 1:00 p.m. HSEDC – 3:00 p.m.

WEDNESDAY, FEBRUARY 4, 2004

COUNCIL 9:00 a.m. COUNCILROOM

	<u>WEDNESDAY, FEBRUARY 18, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>THURSDAY, FEBRUARY 19, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

STATEMENTS FROM THE PUBLIC/ADJOURNMENT – 10:52 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 January 21, 2004. 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, January 28, 2004, at 6 p.m.; Sunday, February 1, 2004, at 10:30 a.m.; and Wednesday, February 4, 2004, at 6 p.m.