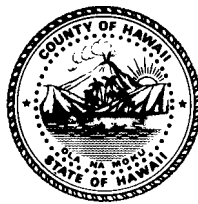


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

29th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawaii

Wednesday, February 4, 2004
9:00 a.m.

INVOCATION

Captain Michael Lutcher, Salvation Army - Hilo

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES October 8, 2003

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

Comm. 479: 2004 HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) LEGISLATIVE PROGRAM POLICY STATEMENT (BY-LAWS AMENDMENT)

From Public Works and Intergovernmental Relations Chair Gary Safarik, dated January 27, 2004, submitting for consideration and approval a proposed amendment to the HSAC By-Laws, to allow the HSAC Executive Committee to add legislative items to the HSAC Legislative Package during the legislative session (if the measures promote the counties' home rule authority and/or increase the counties revenues).

Waived: PWIRC

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

ORDER OF RESOLUTIONS

Res. 142-04: Recognizes March as National Women's History Month.

Re: Comm. 464
 Intr. by: Mr. Arakaki
 Approved: HSEDC-5

Comm. 464.1: ; and
 From Council Chair James Y. Arakaki, dated January 27, 2004, transmitting Resolution 142-04, Draft 2. {Draft 2 amends the theme of "National Women's History Month is 'Real Women'" to "National Women's History Month is 'Women Inspiring Hope and Possibility'".}

Res. 142-04
 (Draft 2): ; and
 Recognizes March as National Women's History Month.

BILLS FOR ORDINANCES (FIRST READING)

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: January 23, 2004

Bill 208: Amends Chapter 2 of the Hawaii County Code 1983 (1995 Edition), Administration, Relating to the Establishment of Volunteer Fire Stations. {Establishes locations of volunteer fire stations in order for the Council and the general public to know where these stations are sited.}

Re: Comm. 451
 Intr. by: Mr. Arakaki
 Approved: FC-200

; and
 Comm. 451.1: From Council Chair James Y. Arakaki, dated January 23, 2004, transmitting the addresses and general locations of the volunteer fire stations.

Bill 215: 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 DEPARTMENT OF PARKS AND RECREATION: Dirt Bike/ATV Track (\$50,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$50,000).}

Re: Comm. 460
 Intr. by: Mr. Safarik
 Approved: FC-201
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 216: Amends Ordinance No. 03-90, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2003 to June 20, 2004. {Adds FIRE DEPARTMENT: Kaumana City Fire Hydrant System Testing (\$30,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$30,000).}

Re: Comm. 461
 Intr. by: Mr. Tulang
 Approved: FC-202
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

; and
 Comm. 461.2: From Council Member Michael Tulang, dated January 26, 2004, transmitting Bill 216, Draft 2. {Draft 2 amends the title of the bill by correcting the date of “June 20, 2004” to “June 30, 2004”; additionally, the Financial Impact Statement was changed to show \$30,000 under “Construction” instead of “Planning and Environmental Assessment”.}
 ; and (Note: Bill 216, Draft 2, is continued on the next page.)

Bill 216
(Draft 2): 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 FIRE DEPARTMENT: Kaumana City Fire Hydrant System Testing (\$30,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$30,000).}

Bill 223: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) Relating to Vehicles and Traffic. {Removes all on-street parking, on the mauka side, located between Pauahi Street and Ponahawai Street.}

Re: Comm. 477
Intr. by: Mr. Safarik
Waived: PWIRC

ORDER OF THE DAY (SECOND OR FINAL READING)

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
1st Reading: January 23, 2004

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
1st Reading: January 23, 2004

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
1st Reading: January 23, 2004

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.}

Re: Comm. 437.2
Intr. by: Mr. Elarionoff
1st Reading: January 23, 2004

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
1st Reading: January 23, 2004

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
1st Reading: January 23, 2004

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
1st Reading: January 23, 2004
2/3 Vote: Section 10-6(d), Hawai'i County Charter

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
1st Reading: January 23, 2004

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‘uanahulu – West Hawai'i Landfill – Other Current Expenses (\$150,000) for a total of \$500,000.}

Re: Comm. 446
Intr. by: Mr. Chung
1st Reading: January 23, 2004

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.}

Re: Comm. 447.1
Intr. by: Mr. Chung
1st Reading: January 23, 2004

REPORTS

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

PEMC-12
(Comm. 453): Recommends the appointments of Peter J. Callahan and Richard L. Highley to the Veterans Advisory Committee.

FC-198
(Comm. 462): Recommends the appointments of Morris K. Ota, Denise L. M. Walker, and Jack L. Ferguson to the Liquor Adjudication Board.

FC-199
(Comm. 463): Recommends the appointments of Jan K. Yokoyama and Mark F. Fujimoto to the Liquor Commission.

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. 36.4: KEALOHA M. J. WELLS, ET AL., V. MARK FARIAS, ET AL.,
CIVIL NO. 02-1-0149K
From Deputy Corporation Counsel Joseph K. Kamelamela, dated January 9, 2004.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>WEDNESDAY, FEBRUARY 18, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>THURSDAY, FEBRUARY 19, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>THURSDAY, MARCH 4, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>FRIDAY, MARCH 5, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

STATEMENTS FROM THE PUBLIC/ADJOURNMENT

(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 February 2, 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, February 11, 2004, at 6 p.m.; Sunday, February 15, 2004, at 10:30 a.m.; and Wednesday, February 18, 2004, at 6 p.m.