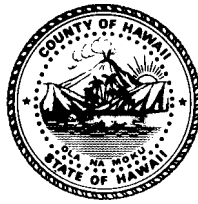


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

30th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawaii

Thursday, February 19, 2004
9:00 a.m.

INVOCATION

Pastor Richard Uejo, KMC Chapel & Heritage Fellowship

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES October 22, 2003 and November 5, 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

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

ORDER OF RESOLUTIONS

Res. 55-03 Supports the Preservation and Conservation of Wao Kele 'O Puna.
(Draft 5):

Re: Comm. 178.6
Intr. by: Mr. Safarik and Mr. Jacobson
Approved: PWIRC-36

Res. 144-04: Changes Time Element of a Recreation Technician III 1/2T to Full Time. {Additional four hours allows staff at the Pana'ewa Park to offer expanded activities and develop stronger ties with business and community associations.}

Re: Comm. 471
Intr. by: Mr. Chung
Approved: FC-204

Res. 145-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the Hawai'i Community Foundation, Pursuant to HRS 46-7, for the Community Oriented Policing Services (COPS) Grant for the Hawai'i County Police Department. {Funds to be used in the area of enforcement by creating additional positions for its ICE task force, acquiring vehicles for its drug and search warrant raids, and setting up a new drug smuggling unit at the Keahole International Airport.}

Re: Comm. 472
Intr. by: Mr. Chung
Approved: FC-205

Res. 146-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the Hawai'i Community Foundation, Pursuant to HRS 46-7, for the Community Oriented Policing Services (COPS) Grant for the Office of the Prosecuting Attorney. {Funds to be used in the area of enforcement by creating additional deputy prosecutor positions to work with the County, State, and Federal law enforcement officials in prosecuting individuals and organizations distributing large quantities of ice and other drugs.}

Re: Comm. 472
Intr. by: Mr. Chung
Approved: FC-206

and
Comm. 472.1: From Finance Committee Chair Aaron S. Y. Chung, dated February 10, 2004, transmitting Resolution 146-04, Draft 2. (Draft 2 includes a revised Exhibit "1" in reference to the Hawai'i Community Foundation's grant award.)

and
Res. 146-04 (Draft 2): Authorizes the Office of the Mayor to Enter Into an Agreement with the Hawai'i Community Foundation, Pursuant to HRS 46-7, for the Community Oriented Policing Services (COPS) Grant for the Office of the Prosecuting Attorney.

Res. 147-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the Hawai'i Community Foundation, Pursuant to HRS 46-7, for the Community Oriented Policing Services (COPS) Grant for the Department of Research and Development. {Funds to provide trained community level facilitators, conduct capacity-building training, hold community meetings, and oversee the State Mini-grants Fund.}

Re: Comm. 472
Intr. by: Mr. Chung
Approved: FC-207

Res. 148-04: Amends Resolution No. 11-03 by Replacing Exhibit "A." {Amends original Exhibit "A" by deleting the Hawai'i Cooperating Technical Partners Mapping Activity Statement (MAS).}

Re: Comm. 10.2
Intr. by: Mr. Safarik
Approved: PWIRC-34

Res. 149-04: Authorizes the Acceptance of Roadway Lot E, Situate at Kealakehe, North Kona, Island, County and State of Hawai'i, Being Also a Portion of the Government Land of Kealakehe, Being Also a Portion of Lot 2 of the Villages of La'i'opua, Phase 1 as Shown on File Plan 2128 Filed in the Office of the Bureau of Conveyances of the State of Hawai'i, Identified as Tax Map Key:(3)7-4-020: Por. 2. {0.633-acre site to be used for roadway improvements planned in the Kaloko Industrial Park area.}

Re: Comm. 476
 Intr. by: Mr. Safarik
 Approved: PWIRC-35

BILLS FOR ORDINANCES (FIRST READING)

Bill 202 Amends Ordinance No. 93 100, Which Reclassified Lands From Single
 (Draft 2): Family Residential (RS-10) to Limited Industrial (ML-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-50:8 (approx. 11,250 sq. ft.). {Dianne and Edward Hirayama, Applicant. Requests a time extension to Condition C (construction timetable).}

Re: Comm. 442.1
 Intr. by: Mr. Elarionoff
 Approved: PC-72

Bill 212: 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 Urban District at Puapuaanui, North Kona, Hawai'i, Covered by Tax Map Key 7-5-17:21 (approx. 9.095 acres). {Uluwehi Properties, LLC, Applicant.}

Re: Comm. 457
 Intr. by: Mr. Elarionoff
 Approved: PC-74

Bill 213 Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25
 (Draft 2): (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-5a) to Single Family Residential (RS-15) at Puapuaanui, North Kona, Hawai'i, Covered by Tax Map Key 7-5-17:21 (approx. 9.095 acres). {Uluwehi Properties, LLC, Applicant.}

Re: Comm. 457.1
 Intr. by: Mr. Elarionoff
 Approved: PC-75

Bill 214
(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-3a) at Puaa 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-5-12:38 (approx. 8.773 acres). {Thomas A. Tuso, Applicant.}

Re: Comm. 458.1
Intr. by: Mr. Elarionoff
Approved: PC-73

Bill 218: 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 the following: Federal Grants – Community Oriented Policing Services – Police (\$525,912), Federal Grants – Community Oriented Policing Services – Prosecutors (\$192,347), and Federal Grants – Community Oriented Policing Services – R & D (\$125,866), for a total of \$844,125; appropriates same to the following: Community Oriented Policing Services – Police (\$525,912), Community Oriented Policing Services – Prosecutors (\$192,347), and Community Oriented Policing Services – R & D (\$125,866), for a total of \$844,125.}

Re: Comm. 472
Intr. by: Mr. Chung
Approved: FC-208

ORDER OF THE DAY (SECOND OR FINAL 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
Deferred: January 23, 2004
1st Reading: February 4, 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
1st Reading: February 4, 2004

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
1st Reading: February 4, 2004
2/3 Vote: Section 10-6(d), Hawai'i County Charter

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).}

Re: Comm. 461.2
Intr. by: Mr. Tulang
1st Reading: February 4, 2004
2/3 Vote: Section 10-6(d), Hawai'i County Charter

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
1st Reading: February 4, 2004

REPORTS

FC-203
(Comm. 469): Recommends the appointment of Claudia L. Woodward-Rice to the Tax Board of Review.

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. 409.1: SAMUEL CARVALHO, SR. V. SHANE SALIS, ET AL., CIVIL NO. 03-00243 SOM/BMK
From Deputy Corporation Counsel Harry P. Freitas, dated February 10, 2004.

- Comm. 506: ARNOLD ISHII VS. MERTON T. OGATA, CIVIL NO. 02-1-398
From Deputy Corporation Counsel Joseph K. Kamelamela, dated February 9, 2004.

- Comm. 507: CLAIMS OF JUNG HEE CHO AND LIBERTY MUTUAL INSURANCE FOR INJURIES AND DAMAGES
From Deputy Corporation Counsel Joseph K. Kamelamela, dated February 9, 2004.

- Comm. 508: KEOLA N. KANAE V. KAHIKI M. H. HODSON; CIVIL NO. 02-00399 SOM/LEK
From Deputy Corporation Counsel Joseph K. Kamelamela, dated February 9, 2004.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>THURSDAY, MARCH 4, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>FRIDAY, MARCH 5, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>MONDAY, MARCH 8, 2004</u>	
PLANNING COMMITTEE PUBLIC HEARING RE BILLS 198, 199, AND 209	5:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL (KAMAKAHONU BALLROOM)
	<u>TUESDAY, MARCH 9, 2004</u>	
NONPROFIT SITE VISIT (W. HAWAI'I)	8:00 a.m.	KONA MAYOR'S CONFERENCE ROOM

	<u>WEDNESDAY, MARCH 10, 2004</u>	
NONPROFIT SITE VISIT (E. HAWAI'I)	8:00 a.m.	ELECTIONS CONFERENCE ROOM
	<u>THURSDAY, MARCH 11, 2004</u>	
FINANCE COMMITTEE SPECIAL MEETING (Departmental/Program Reviews of Budgets)	9:00 a.m.	COUNCIL ROOM
	<u>FRIDAY, MARCH 12, 2004</u>	
FINANCE COMMITTEE SPECIAL MEETING (Departmental/Program Reviews of Budgets)	9:00 a.m.	COUNCIL ROOM
	<u>MONDAY, MARCH 15, 2004</u>	
FINANCE COMMITTEE SPECIAL MEETING (Departmental/Program Reviews of Budgets)	9:00 a.m.	COUNCIL ROOM
	<u>MONDAY, MARCH 15, 2004</u>	
COUNCIL PUBLIC HEARING RE BUDGETS (E. Hawai'i)	5:00 p.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 17, 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 25, 2004, at 6 p.m.; Sunday, February 29, 2004, at 10:30 a.m.; and Wednesday, March 3, 2004, at 6 p.m.