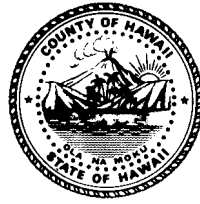


JAMES Y. ARAKAKI  
*Chairman & Presiding Officer*

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*

38<sup>th</sup> Session

### ORDER OF BUSINESS

Ohana Keauhou Beach Resort  
Kailua-Kona, Hawai'i

Wednesday, June 16, 2004  
9:00 a.m.

INVOCATION

Youth Pastor Vance Texeira, Solid Rock Ministries

CALL TO ORDER

9:07 a.m.

ROLL CALL

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**

Comm. 635: HAWAI'I COUNTY'S MONETARY CONTRIBUTION TO THE 2005 NATIONAL ASSOCIATION OF COUNTIES (NACo) ANNUAL CONFERENCE  
From Public Works and Intergovernmental Relations Chair Gary Safarik, dated May 20, 2004, transmitting for Council's consideration and approval, Hawai'i County's donation of \$85,167 to NACo and the Western Interstate Region (WIR) for the 2005 NACo Annual Conference to be held in Honolulu, Hawai'i.

Waived: PWIRC  
Deferred: June 2, 2004

**DEFERRED**

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

**ORDER OF RESOLUTIONS**

Res. 150-04 (Draft 3): Authorizes the Acceptance of a Donation of Real Property From Frank Gomes and Betty Doi Gomes; Tax Map Key No. (3) 7-5-018:009. {Located in Wai'aha 1<sup>st</sup>, North Kona, Hawai'i, consisting of 0.070 acre.}

Re: Comm. 490.2  
Intr. by: Mr. Chung  
Approve: FC-265

**ADOPTED:**

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

**NOES:** None.

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

Res. 190-04: Authorizes the Acceptance of a Donation of Sports Equipment to the Hawai'i County Police Department's Hawai'i Isle Police Activities Program (HI-PAL). {Donation of sports equipment are from proceeds of the Hawai'i County Fire Department's 2003 Emergency Medical Services (EMS) 911 5K Fun Run/Walk and Family Day, with an estimated value of \$3,200.}

Re: Comm. 631  
Intr. by: Mr. Chung  
Approve: FC-263

**ADOPTED:**

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

**NOES:** None.

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

Res. 184-04: Authorizes the Acquisition of Land for the Puna Emergency Access Road in the Hawaiian Acres Subdivision, District of Puna, County of Hawai'i.

Re: Comm. 617  
Intr. by: Mr. Jacobson  
File: PWIRC-50

(Note: This Resolution has been replaced by subsequent Resolution 194-04, Draft 3, which continues on the next page.)

**FILED**

Res. 194-04 (Draft 3): Authorizes the Acquisition of Land by Exercise of Eminent Domain or Negotiation for the Puna Emergency Access Road in the Ainaloa Subdivision and in the Hawaiian Acres Subdivision, Keaau, District of Puna, County of Hawai'i, Being Portions of Tax Map Keys (3)1-6-65:109, (3)1-6-4: 01, and (3)1-6-13:81;

Re: Comm. 641.4  
Intr. by: Mr. Safarik and Mr. Jacobson  
Approve: PWIRC-51

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

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

*and*

Comm. 641.5: From Don and Devra Reeves, dated June 6, 2004.

Res. 217-02 (2002): Accepts the Donation of a Roadway Lot Known as Ainaloa Boulevard From the Ainaloa Community Association, Inc.

Re: Comm. 641/(2002)  
Intr. by: Mr. Safarik  
File: PWIRC-49

(Note: This Resolution has been replaced by previous Resolution 194-04, Draft 3.)

**FILED**

Res. 197-04: Amends the Establishment of a Water System Improvement District for the Kona Coastview and Kona Wonderview Subdivisions and Setting a Public Hearing to Present Final Net Project Costs, Financing Thereof, Proposed Assessments, and Related Matters. {Pursuant to receipt of the winning construction bid for the project, approximately \$1.5 million in additional financing for the project has been secured from USDA Rural Development (\$920,000) and the Water Board, County of Hawai'i (\$600,000). This additional project cost and resulting increase in pro rata assessments to the property owners of Kona Coastview and Kona Wonderview necessitates a public hearing, as discussed in this resolution.}

Re: Comm. 650  
 Intr. by: Mr. Tyler  
 Waived: PWIRC

**ADOPTED:**

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

**NOES:** None.

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

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 274: Authorizes the Issuance of General Obligation Refunding Bonds of the County of Hawai'i for the Purpose of Refunding All or a Portion of the County's Outstanding General Obligation Bonds; Fixing the Form, Denominations, and Certain Other Details of Such Refunding Bonds and Providing for Their Sale to the Public; Providing for the Retirement of the Bonds to be Refunded; and Authorizing the Taking of Other Actions Relating to the Issuance and Sale of the Refunding Bonds and the Retirement of the Bonds to be Refunded (General obligation bonds not to exceed \$79,209,000). {Allows the Finance Director to take advantage of low interest rates to refund existing higher rate bonds; refunding will be considered on bonds that would provide an opportunity for debt service savings and other benefits for the County; and broad authorization for refunding bonds will shorten the time required to initiate a refunding when deemed appropriate.}

Re: Comm. 632  
 Intr. by: Mr. Chung  
 Approve: FC-264

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

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 275: Amends Chapter 14 (General Welfare) of the Hawai'i County Code, as Amended, Relating to Street Addressing and Naming. {Enables more efficient emergency response through the E911 system.}

Re: Comm. 633  
Intr. by: Mr. Safarik  
Approve: PWIRC-48

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

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 280 (Draft 5): Amends Chapter 3, of the Hawai'i County Code, by Repealing Article 1 - Relating to Signs, Adding a New Article 1 - Relating to Signs, and Amending Article 2 - Relating to Kailua Village Signs. {Major changes involve or include but are not limited to the following items or subjects regarding Article 1: Hawai'i County Code - Chapter 3, Article 1, Advertising & Signs, Summary of Allowable Signs - Prohibited Signs (all districts); Exempt Signs (allowed without a permit in all districts); Signs Allowed With Permits (all districts); Signs Allowed with Permits - Residential Districts (RS, RD, RM); Signs Allowed with Permits - Commercial/Industrial Districts (RCX, V, CN, CG, CV, MCX, ML, MG); Signs Allowed with Permits - Agricultural/Open Districts (RA, FA, A, IA, O). Major changes involve or include but are not limited to the following items or subjects regarding Article 2, Advertising & Signs, Kailua Village Special Design District - Signs Allowed With Permits; Prohibited Signs (in addition to Article 1); and Exempt Signs (in addition to Article 1). Draft 5 corrects a number of typographical errors.};

Re: Comm. 42.13  
Intr. by: Mr. Safarik and Mr. Tyler  
Approve: PWPC-121/(1998)  
Approve: PWIRC-52

**AMENDED TO DRAFT 6 AND DEFERRED TO 7/23/04 MEETING**

*and*

Comm. 42.14: From Ted Pirsig, dated May 27, 2004.

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

Bill 266: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Open (O) to Industrial-Commercial Mixed (MCX-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-35:73 (approx. 12,787 square feet). {Janice Oshiro, Applicant.}

Re: Comm. 610  
 Intr. by: Mr. Elarionoff  
 1<sup>st</sup> Reading: June 2, 2004

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

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 268: 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 – Greetings Program (\$15,000); appropriates same to Greetings Program – State. Funds to be used for creative and expanded activities of greetings at Hilo Harbor on July 7 and Kailua Pier on July 8.}

Re: Comm. 615  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: June 2, 2004

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

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 269: 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 – Used Oil Collections/Disposal (\$6,205); appropriates same to Used Oil Collection/Disposal – State. Funds to be used by the Environmental Management Department for additional public outreach and promotion of the Used Oil Collection Program.}

Re: Comm. 616

Intr. by: Mr. Chung

1<sup>st</sup> Reading: June 2, 2004

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

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 276: 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 Housing Voucher Program (\$500,000); appropriates same to Miscellaneous Contract Services.}

Re: Comm. 634

Intr. by: Mr. Safarik

1<sup>st</sup> Reading: June 2, 2004

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

**AYES:** Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, and Chair Arakaki – 8.

**NOES:** Council Member Tyler – 1.

**ABSENT & EXCUSED:** None.

Bill 278: Names a County Recreational Facility (TMK: 2-1-06: 13 and 2-1-06: 15) Pursuant to Chapter 15, Hawai'i County Code 1983 (1995 Edition). {Designates the name "Kūhiō Kalaniana'ole Park", which is an open park located in the Keaukaha area of Hilo and will be developed by the Rotary Clubs of Hilo.}

Re: Comm. 640

Intr. by: Mr. Chung

1<sup>st</sup> Reading: June 2, 2004

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

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

**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**

	<u>WEDNESDAY, JULY 7, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>THURSDAY, JULY 8, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>THURSDAY, JULY 22, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>FRIDAY, JULY 23, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

**STATEMENTS FROM THE PUBLIC/ADJOURNMENT 5:10 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 June 14, 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, June 23, 2004, at 6 p.m.; Sunday, June 27, 2004, at 10:30 a.m.; and Wednesday, June 30, 2004, at 6 p.m.