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COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

41st Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

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

INVOCATION

Reverend Bob Thompson, Puna Congregational Christian Church

CALL TO ORDER

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

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

ORDER OF RESOLUTIONS

Res. 210-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Health, Pursuant to HRS 46-7, for an Automated External Defibrillator Access Program Grant. {Funds to be used to establish a community Automated External Defibrillator (AED) advisory committee; coordinate AED training with the American Heart Association; purchase 17 to 20 AED's for placement with identified agencies; and assist AED agencies with medical protocols.}

Re: Comm. 690
Intr. by: Mr. Chung
Approve: FC-278

Res. 217-04: Authorizes the Exchange, in Fee Simple, of Tax Map Key (3) 7-5-04:63 for Tax Map Key (3) 8-2-03:5 and the Repeal of Resolution No. 241-00. {Appropriate central location to site a new police station in Kealahou, Kona.}

Re: Comm. 710
Intr. by: Mr. Reynolds
Waived: FC

Res. 218-04: Supports Solid Waste Landfill Division Through Waste Reduction Technology with Procurement Criteria That Matches Hawai'i County Policies, Needs and Waste Stream, and Delineates Next Actions. {Expedites the publication of a Request for Proposal or other procurement document(s) for a Waste Reduction Technology.}

Re: Comm. 711
Intr. by: Mr. Reynolds
Waived: PEMC

BILLS FOR ORDINANCES (FIRST READING)

Bill 280
(Draft 2): Amends the Hawai'i County Code 1983 (1995 Edition), as Amended, by Adding a New Chapter Relating to Business Improvement Districts. {Enables the establishment and creation of Business Improvement Districts, which provides an alternate method of financing supplemental services and improvements when public funds are not available.}

Re: Comm. 647.9
Intr. by: Mr. Tyler
Approve: FC-281

Bill 290: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Federal Grants – Victims Services Coordinator Project (\$5,000); appropriates same to Victims Services Coordinator. Program includes the hiring of a Victims Services Coordinator to service the on-going needs of victims from domestic violence/sexual assault while cases remain under investigation and for the purchasing of equipment and supplies.}

Re: Comm. 678
Intr. by: Mr. Chung
Approve: FC-276

Bill 294
(Draft 2): 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 Agricultural (A-3a) to Single Family Residential (RS-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-4-38:8 (approx. 4.334 acres). {Gerald Yamada, Applicant.}

Re: Comm. 686.1
Intr. by: Mr. Elarionoff
Approve: PC-99

Bill 295: Amends Ordinance No. 93 62, Which Reclassified Lands from Limited Industrial (ML-20) to General Industrial (MG-1a) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-1-7:9 (approx. 1.028 acres). {Hilo Storage Partners, LLC, Applicant.} (Amendment to Change of Zone Ordinance No. 93-62, Condition F, deletes curb/gutter/sidewalk requirement along Ocean View.)

Re: Comm. 687
Intr. by: Mr. Elarionoff
Approve: PC-100

Bill 296: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. {Adds PUBLIC WORKS: Kilauea Corridor Traffic Signal Upgrade Project – Federal (\$500,000); funds to be provided from Federal Grants Receivable (\$500,000). Funds to be used to cover anticipated construction bid amount, cost of construction engineering and possible future costs such as change orders due to unforeseen conditions relating to upgrading the signal systems at the intersections of Kilauea Avenue with Kawaihani Street, Kawili Street, Mohouli Street, Aupuni Street, and Kekūanaō‘a Street; including asphalt concrete paving; and constructing curb ramps, and concrete curb/gutter/sidewalks.}

Re: Comm. 689
Intr. by: Mr. Chung
Approve: FC-277
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 297: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Automated External Defibrillator Access Program (\$62,000); appropriates same to Automated External Defibrillator Access Program.}

Re: Comm. 690
Intr. by: Mr. Chung
Approve: FC-279

Bill 298: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. {Adds PUBLIC WORKS: Kuakini Highway Improvements, Palani Road to Hualalai Road - Federal (\$6,000,000); funds to be provided from Federal Grants Receivable (\$6,000,000). Funds to be used to cover anticipated construction bid amount, cost of construction engineering/management, and possible future costs such as increase in utility costs and change orders due to unforeseen conditions relating to the widening of Kuakini Highway within the project limits, concrete curb/gutter/sidewalk, paving, drainage improvements, retaining walls, traffic signal improvements and utility relocation.}

Re: Comm. 691
Intr. by: Mr. Chung
Approve: FC-280
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 305: Provides for the Cost of Water System Improvements in "Improvement District No. 18 – Kona Coastview and Kona Wonderview Subdivisions," District of North Kona, County of Hawai'i, Fixing the Portion of the Cost to be Assessed Against Benefited Land, Imposing Assessment Lien Against Each Assessment Unit Assessed According to the Assessment, Providing for Payment of Assessments in Installments, Authorizing Finance Director to Negotiate Sale and Distribute Official Statement, and Final Assessment Roll.

Re: Comm. 712
Intr. by: Mr. Tyler
Waived: FC

Bill 306: Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i in an Aggregate Principal Amount Not to Exceed \$4,296,400.00 for the Purpose of Financing a Portion of the Costs of Constructing Public Water System Improvements in "Improvement District No. 18 – Kona Coastview and Kona Wonderview Subdivisions"; Fixing the Form, Denomination, and Certain Details of Such Bonds; and Providing for the Sale of Such Bonds.

Re: Comm. 713
Intr. by: Mr. Tyler
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Res. 203-04
(Draft 3): Authorizes the Acquisition of Private Property by Eminent Domain or Negotiation for the Pahoia Village Resource Park, Pahoia, District of Puna, County and State of Hawai'i, Being Tax Map Key: (3)1-5-002:024;

Re: Comm. 663.12
Intr. by: Mr. Safarik
1st Reading: July 23, 2004
Note: Second of two required readings, Section 101-13, Hawai'i Revised Statutes

Bill 178
(Draft 4): 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 General Industrial (MG-3a) to Project District at Ooma 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-3-9:22 (approx. 83.0 acres). {Clifto's Kona Coast, LLC, Applicant.} {Draft 4 contains seven floor amendments made on July 23, 2004. They relate to the number of multi-family residential and transient accommodation units, affordable housing requirements, the commitment of \$750,000 for highway improvements, water quality monitoring, and conveyance of a public recreational easement.}

Re: Comm. 400.91
 Intr. by: Mr. Elarionoff
 Deferred: December 17, 2003 and May 5, 2004
 Public Hearing: January 23, 2004
 1st Reading: April 21, 2004
 Held Over: July 23, 2004

Bill 282: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Contribution from Private Source (\$2,000); appropriates same to Rescue Equipment – Private.}

Re: Comm. 665
 Intr. by: Mr. Chung
 1st Reading: July 23, 2004

Bill 283: 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 6-2-11:10 (approx. 5.832 acres). {Nedra Roberts, Applicant.}

Re: Comm. 667
 Intr. by: Mr. Elarionoff
 1st Reading: July 23, 2004

Bill 284: Amends Section 25-8-7 (North and South Kohala District 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 6-2-11:10 (approx. 5.832 acres). {Nedra Roberts, Applicant.}

Re: Comm. 667
 Intr. by: Mr. Elarionoff
 1st Reading: July 23, 2004

Bill 285: 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 6-2-11:16 (approx. 5.002 acres). {Gary and Betsy Queen, Applicant.}

Re: Comm. 668
Intr. by: Mr. Elarionoff
1st Reading: July 23, 2004

Bill 286: Amends Section 25-8-7 (North and South Kohala District 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 6-2-11:16 (approx. 5.002 acres). {Gary and Betsy Queen, Applicant.}

Re: Comm. 668
Intr. by: Mr. Elarionoff
1st Reading: July 23, 2004

Bill 287: 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 7-3-26:15 (approx. 25.687 acres.) {William H. McClintick, Applicant.}

Re: Comm. 669
Intr. by: Mr. Elarionoff
1st Reading: July 23, 2004

Bill 292: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Weed & Seed Coordinator (\$52,222); appropriates same to Weed & Seed Coordinator.}

Re: Comm. 681
Intr. by: Mr. Chung
1st Reading: July 23, 2004

Bill 293: Amends Ordinance 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Sex Offender Publication & Tracking Program (\$147,179); appropriates same to Sex Offender Publication & Tracking Program.}

Re: Comm. 682
Intr. by: Mr. Chung
1st Reading: July 23, 2004

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