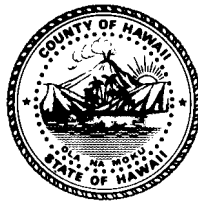


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

46th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, October 20, 2004
9:00 a.m.

INVOCATION

Stewart Hussey, President, The Christian Science Church

CALL TO ORDER

9:10 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

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

ORDER OF RESOLUTIONS

Res. 240-04: Authorizes the Acceptance of a Grant Award of \$10,000 for the Department of Environmental Management Solid Waste Division's Computer Recycling Project. {Funds to be used to conduct a computer recycling event in West Hawai'i in January 2005.}

Re: Comm. 759
Intr. by: Mr. Chung
Approve: FC-311

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 241-04: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$4,000 out and from the Clerk-Council Services-Contingency Relief account; credits same to the Parks and Recreation Department, Elderly Activities Division, Coordinated Services Program Income-Miscellaneous Contract Services account. Funds to be used to provide free bus transportation for senior citizens to attend the 2004 and 2005 "Senior Citizens Wellness Fairs" in East Hawai'i on November 4, 2004, and West Hawai'i in March 2005.}

Re: Comm. 762
Intr. by: Mr. Chung
Approve: FC-312

ADOPTED:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Safarik, Tyler, and Chair Arakaki – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Chung, Reynolds, and Tulang – 3.

Res. 242-04: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (five years) for a Copier (for the Kona Mayor's Office). {Acquisition of this machine will increase office efficiency and economy.}

Re: Comm. 772
 Intr. by: Mr. Chung
 Approve: FC-314

ADOPTED:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Safarik, Tyler, and Chair Arakaki – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Chung, Reynolds, and Tulang – 3.

Res. 243-04: 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 Community Based Traffic Coordinator Grant for the Hawai'i County Police Department. {Funds to be used to reduce the number of alcohol, speed and seat belt non-use related traffic fatalities and injuries by providing a community based coordinator to plan and coordinate activities and to be a liaison between state, county, and community agencies and organizations.}

Re: Comm. 781
 Intr. by: Mr. Chung
 Approve: FC-323

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 244-04: 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 a deterrence against impaired driving by conducting roadblocks.}

Re: Comm. 782
 Intr. by: Mr. Chung
 Approve: FC-325

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 245-04: 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 Data Grant for the Hawai'i County Police Department. {Funds to be used to initiate activities such as legislation that affects electronic data transfer and the implementation of Hawai'i's statewide data system.}

Re: Comm. 783
 Intr. by: Mr. Chung
 Approve: FC-327

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 251-04: Approves an Amendment to the County's External Audit Contract No. 02152 with KPMG LLP. {Amendment is needed because of a change to the Department of Housing and Urban Development's (HUD) rules regarding Section 8 housing regulations requiring that the financial information submitted to HUD be submitted electronically and prepared in accordance with generally accepted principles. Therefore, KPMG (auditor) must perform the attestation by comparing hard copy audit report to the electronic information following audit procedures and principles.}

Re: Comm. 799
 Intr. by: Mr. Arakaki
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Chung – 1.

Res. 252-04: Authorizes the Corporation Counsel, and His Authorized Representatives, to Enter Into an Agreement with the Individually Named Party, Who is an Employee of the County of Hawai'i, to Represent Him in the Civil Action Entitled *Kealoha M. J. Wells, Et Al., v. Lt. Robert Hickcox, Et Al.*, Civil No. 02-1-0149K.

Re: Comm. 36.6
 Intr. by: Mr. Chung
 Waived: FC

ADOPTED:

AYES: Council Members Elarionoff, Holschuh, Reynolds, Safarik, and Chair Arakaki – 5.

NOES: Council Members Jacobson and Tyler – 2.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Res. 253-04: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$99,500 out and from Clerk-Council Services – Contingency Relief account; credits \$80,000 to Transfer to Capital Improvement Project Fund account, which includes the following projects – Repairs to Facilities for Kamehameha Park Complex (\$30,000), Repairs to Facilities for Waimea Park (\$30,000), and Repairs to Facilities for Waimea Country School Tree Trimming (\$20,000), and \$19,500 to Parks and Recreation Administrative Other Current Services – Educational Recreational – Scientific Supplies account, for a total of \$99,500.}

Re: Comm. 807
 Intr. by: Mr. Elarionoff
 Waived: FC

ADOPTED:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chair Arakaki – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Res. 254-04: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$4,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Solid Waste Fund account. Funds to be used to conduct a computer-recycling event scheduled for January 2005 in Kona through the Environmental Management Department's Solid Waste Division.}

Re: Comm. 809
 Intr. by: Mr. Tyler
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 255-04: Amends Salary Ordinance No. 04-60 to Add Exempt Classes of Work for Persons Employed by the Office of the County Council and Office of Housing and Community Development Whose Pay is Not Otherwise Provided for.

Re: Comm. 810
 Intr. by: Mr. Chung (B/R)
 Waived: FC

AMENDED TO DRAFT 3 AND DEFERRED (AND ALL SUBSEQUENT DRAFTS)

BILLS FOR ORDINANCES (FIRST READING)

Bill 175
(Draft 3): Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Valuation. {Limits the increase in the market value of properties in the homeowners class to not more than 3% per tax year until the property is sold or otherwise transferred.};

Re: Comm. 395.1
Intr. by: Mr. Chung (B/R)
Approve: FC-298
Deferred: September 15 and October 4, 2004

and

Comm. 395.2: From Finance Director William Takaba, dated September 10, 2004, transmitting Bill 175, Draft 4. Draft 4 amends Section 19-53(h) relating to properties in the non-speculative residential use dedication program; *and*

Bill 175
(Draft 4): Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Valuation;

Intr. by: Mr. Chung (B/R)
Deferred: September 15 and October 4, 2004

AMENDED TO DRAFT 5 & PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Tyler, and Chair Arakaki – 5.

NOES: Council Members Reynolds and Safarik – 2.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

and

Comm. 395.3: From John Totten, dated September 27, 2004; *and*

Comm. 394.5: From Finance Director William Takaba, dated September 9, 2004; *and*

Comm. 394.6: From Finance Director William Takaba, dated September 10, 2004; *and*

Comm. 394.7: From HGEA Hawai'i Division Chief Ralph C. Boyea, dated September 13, 2004.

Bill 176
(Draft 2): Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Nonspeculative Residential Use Assessment. {Reduces the nonspeculative residential use dedication from ten years to five years, and reduces the corresponding rollback provisions by five years.};

Re: Comm. 394.1
Intr. by: Mr. Chung (B/R)
Approve: FC-299
Deferred: September 15 and October 4, 2004

AMENDED TO DRAFT 3 & PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tyler, and Chair Arakaki – 6.

NOES: Council Member Safarik – 1.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

and

Comm. 394.6: From Finance Director William Takaba, dated September 10, 2004; *and*
 Comm. 394.7: From HGEA Hawai'i Division Chief Ralph C. Boyea, dated September 13, 2004.

(Note: Please see previous Communication 395.3 for comments relating to Bill 176.)

Bill 280
 (Draft 6):
 (1996-1998)

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 6 amends Section 3-8(a)(1)(A) by deleting content-based wording, improving readability, imposing a six-month limit on temporary signs, and correcting typographical errors.};

Re: Comm. 42.45
 Intr. by: Mr. Safarik and Mr. Tyler
 Deferred: June 16, 2004

and

Comm. 42.58: From Council Member Fred C. Holschuh, dated June 23, 2004; *and*
 Comm. 42.59: From Public Works & Intergovernmental Relations Committee Chair Gary Safarik, dated July 13, 2004; *and*
 Comm. 42.60: From Marie Aguilar, Kailua Village Merchant Association's Sign Code Working Group, dated July 12, 2004; *and*
 Comm. 42.61: From Cynthia J. Hanna, Island Tech Office Equipment, Inc., dated August 11, 2004; *and*
 Comm. 42.62: From Philip A. Harris, P. A. Harris Electric, dated August 12, 2004; *and*
 Comm. 42.63: From Milton K. Morinaga, Chair, Kailua Village Design Commission, dated August 18, 2004; *and*
 Comm. 42.64: From Public Works and Intergovernmental Relations Committee Member J. Curtis Tyler, III, dated October 11, 2004, transmitting Bill 280, Draft 7. Changes between Draft 7 and Draft 6 include, but are not limited to, amended provisions relating to purpose, definitions, temporary painted window signs, directory signs, nonconforming signs, administrative enforcement, Kailua Village guidelines for review, permissible signs, effective date, etc.; *and*

Bill 280
 (Draft 7):
 (1996-1998)

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.

Intr. by: Mr. Tyler

PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chair Arakaki – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Bill 312
 (Draft 4):

Amends Chapter 21, Article 4, of the Hawai'i County Code 1983 (1995 Edition), Relating to Sewer Service Charges. {Changes the responsibility of payment of sewer service from the same customer identified by the Department of Water Supply to the property owner. Imposes a 10% penalty on accounts past due instead of 60 or more days overdue. Imposes a 1% interest rate per month on outstanding balances past due. Clarifies the process by which property owner will be billed unless another individual is designated. Further states property owner and designated person are jointly and severally liable for sewer service charge. If debt is not paid, County may recover by a civil action against the property owner, the designated person, or both. Effective date: July 1, 2005.};

Re: Comm. 731.3

Intr. by: Mr. Reynolds

Approve: PEMC-19

Deferred: September 15 and October 4, 2004

and

Comm. 731.4: From Council Member Joe Reynolds, dated October 1, 2004; *and*
 Comm. 731.5: From Environmental Management Director Barbara Bell, dated October 13, 2004, transmitting Bill 312, Draft 5. Draft 5 eliminates the penalty for past due accounts and adds a ½% increase in the interest rate per month, for a total of 1½% per month; and 2) Changes the approval date to October 1, 2005; *and*

Bill 312
 (Draft 5): Amends Chapter 21, Article 4, of the Hawai'i County Code 1983 (1995 Edition), Relating to Sewer Service Charges.

Intr. by: Mr. Reynolds (B/R)

AMENDED TO DRAFT 5, AS FURTHER AMENDED (TO DRAFT 6) & DEFERRED

Bill 320
(Draft 2): Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), as Amended, Real Property Taxes, Relating to Home Exemptions. {Improves and clarifies definition of "principal home" and creates an additional exemption of 20% of the pre-exemption assessed value to a maximum of \$80,000 for those eligible for home exemptions.};

Re: Comm. 753.2
Intr. by: Mr. Chung
Waived: FC
Deferred: September 15 and October 4, 2004

and

Comm. 753.1: From Vice Chair J. Curtis Tyler, III, dated October 4, 2004.

AMENDED TO DRAFT 4 & PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Tyler, and Chair Arakaki – 6.

NOES: Council Member Safarik – 1.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

(Note: There is a pending motion by Mr. Chung and duly seconded by Mr. Jacobson to approve Bill 320, as amended to Draft 2, on October 4, 2004.)

Bill 322: 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 Contribution From Private Source (\$10,000); appropriates same to Computer Recycling Grant – Private.}

Re: Comm. 759
Intr. by: Mr. Chung
Approve: FC-310

PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chair Arakaki – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Bill 323
(Draft 2): Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) Relating to Vehicles and Traffic. {Requests a Yield sign be installed along Ka'apahu Road on the east (Hilo) side of Kalopa Gulch Bridge, as the roadway width between the bridge and the top of the gulch is not wide enough for two-way traffic.}

Re: Comm. 761.1
Intr. by: Mr. Safarik
Approve: PWIRC-59

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Chung – 1.

Bill 324: Amends Chapter 18 of the Hawai'i County Code 1983 (1995 Edition), Relating to Public Transportation. {Allows Transit Administrator to establish bus fares on a temporary basis for bus routes and services; and 2) Designates the Kona district between Kalaoa and Kealia as a transportation free zone.};

Re: Comm. 766
 Intr. by: Mr. Tyler
 Approve: PWIRC-60

and

Comm. 766.1 From Council Member Gary Safarik, dated October 8, 2004, transmitting Bill 324, Draft 2. Draft 2 adds a purpose statement to the promotional fares subsection, expands the purpose of the transportation *kokua* zones to include economically depressed areas and add the Puna district to the established transportation *kokua* zones, and requires the transit administrator to provide a report to the Council within one year of implementation of the zones and again prior to termination of the zone; *and*

Bill 324 (Draft 2): Amends Chapter 18 of the Hawai'i County Code 1983 (1995 Edition), Relating to Public Transportation.

Intr. by: Mr. Safarik and Mr. Tyler

AMENDED TO DRAFT 3 & PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Chung – 1.

Bill 325 (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 Honuaula, North Kona, Hawai'i, Covered by Tax Map Key 7-5-24:25 (approx. 6.069 acres). {Mitsugi Komo Revocable Trust, Applicant.}

Re: Comm. 768.2
 Intr. by: Mr. Elarionoff
 Approve: PC-108

PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Reynolds, Tyler, and Chair Arakaki – 5.

NOES: Council Members Jacobson and Safarik – 2.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Bill 326
(Draft 2):

Amends Section 2-8-8 (Upolu Point - Kaauhuhu Homesteads Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Agricultural - 20 Acre (A-20a) to Family Agricultural - 1 Acre (FA-1a) at Kokoiki, North Kohala, Hawai'i, Covered by Tax Map Key 5-5-4:33 (approx. 3.936 acres). {Alyssa Ackerman, Applicant.}

Re: Comm. 769.2
Intr. by: Mr. Elarionoff
Approve: PC-109

PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Reynolds, Tulang, Tyler, and Chair Arakaki – 6.

NOES: Council Members Chung, Jacobson, and Safarik – 3.

ABSENT & EXCUSED: None.

Bill 327
(Draft 2):

Amends Ordinance No. 91-71, Which Amended Ordinance No. 89-54, Which Reclassified 2.23 Acres of Land From a Multiple Family Residential 1,000 Square Foot (RM-1) to a Resort-Hotel 1,000 Square Foot (V-1) District at Puaa 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-5-9:40 (approx. 2.23 acres). {Kona Oasis, Inc., Applicant.}

Re: Comm. 770.3
Intr. by: Mr. Elarionoff
Approve: PC-110

AMENDED TO DRAFT 3 & DEFERRED

Bill 328:

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 – Volcano Fire Truck (\$250,000); appropriates same to Volcano Fire Truck – Federal. Additional County funding is needed to complete the purchase of a structural fire engine for Fire Station 19 (Volcano).}

Re: Comm. 771
Intr. by: Mr. Chung
Approve: FC-313

PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chair Arakaki – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Bill 330: 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: Old Volcano Trail, Kea'au Town to Hawai'i Volcanoes National Park – Federal (\$100,000); funds to be provided from Federal Grants Receivable (\$100,000). Funds to be used to address the resource management needs relating to expanding access to the Hawai'i Volcanoes National Park including the planning and design of the Old Volcano trail for tourism and recreational travel. }

Re: Comm. 773
 Intr. by: Mr. Chung
 Approve: FC-315
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 331: 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 Fund Balance from Prior Year – Reserved (\$261,239.24); appropriates same to Transfer to Capital Project Fund. Funds are excess fuel tax revenues collected in FY 2003-2004. }

Re: Comm. 774
 Intr. by: Mr. Chung
 Approve: FC-316

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 332: 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. {Establishes the following program appropriations: Transportation Equity Act for the 21st Century (TEA-21) Projects (Federal Aid), which includes the following projects - Kawaiilani Bridge Replacement, Ali'i Highway, Mohouli Extension, and Puainako Extension (\$216,061.79); and Local Road Improvements, which include the following road improvements - Puna (\$51,444.31), South Hilo (\$54,145.09), North Hilo (\$9,917.24), Hamakua (\$19,856.08), North Kohala (\$8,318.38), South Kohala (\$22,427.21), North Kona (\$25,236.02), South Kona (\$6,633.10), and Ka'u (\$18,084.37), for a total of \$216,061.80 and a combined total of \$432,123.59. Funds are excess fuel tax revenues collected from 2002-2004, which exceeded the \$6,000,000 of projected revenues established by Ordinance 03-62 by \$432,123.59.}

Re: Comm. 775
 Intr. by: Mr. Chung (B/R)
 Approve: FC-317
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 333: 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 Fund Balance from Prior Year – Designated (\$1,345.76); appropriates to the following: Bayview Estates (\$115.94), Bay Club Waikoloa (\$1.16), Kahakai Subdivision (\$1.42), Manini'owali Project (\$325.35), Pualani Estates Subdivision (\$625.56), and Ali'i Cove (\$276.33), for a total of \$1,345.76. Funds are the in-lieu fees and interests income from the fund balance account of the County Housing Revolving Fund to the individual accounts.}

Re: Comm. 776
 Intr. by: Mr. Chung
 Approve: FC-318

PASSED 1ST READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler, and Chair Arakaki – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Bill 334: 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 – Traffic Training and Equipment (\$12,475); appropriates same to Traffic Training and Equipment. Funds to be used to reduce the number of alcohol related fatalities and injuries, increase public awareness, and provide a constant deterrence against drunk driving.}

Re: Comm. 777

Intr. by: Mr. Chung

Approve: FC-319

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 335: 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 – Click It or Ticket Program (\$444); appropriates same to Click It or Ticket Program. Funds to be used to reduce the fatalities and injuries to front seat occupants and rear seat occupants aged 17 and under, of motor vehicle collisions by improving awareness of state laws.}

Re: Comm. 778

Intr. by: Mr. Chung

Approve: FC-320

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 336: 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 – Occupant Protection Program (\$10,000); appropriates same to Occupant Protection Program. Funds to be used to reduce the fatalities and injuries to front seat occupants and rear seat occupants aged 17 and under, of motor vehicle collisions by increasing the usage rate of seat belts.}

Re: Comm. 779

Intr. by: Mr. Chung

Approve: FC-321

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 337
(Draft 2):

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 – Speed Enforcement (\$22,400); appropriates same to Speed Enforcement. Funds to be used to reduce the number of motor vehicle collisions resulting in injuries and fatalities caused by speeding drivers.}

Re: Comm. 780.1
Intr. by: Mr. Chung
Approve: FC-322

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Tulang – 1.

Bill 338:

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 – Community Based Traffic Coordinator (\$52,000); appropriates same to Community Based Traffic Coordinator.}

Re: Comm. 781
Intr. by: Mr. Chung
Approve: FC-324

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Tulang – 1.

Bill 339:

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 – Hawai'i County Police Department Roadblock Program (\$138,700); appropriates same to Hawai'i County Police Department Roadblock Program.}

Re: Comm. 782
Intr. by: Mr. Chung
Approve: FC-326

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Tulang – 1.

Bill 340: 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 – Hawai'i County Police Department Data Grant (\$10,000); appropriates same to Hawai'i County Police Department Data Grant. }

Re: Comm. 783
Intr. by: Mr. Chung
Approve: FC-328

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Tulang – 1.

Bill 352: Amends Chapter 21, of the Hawai'i County Code 1983 (1995 Edition), Relating to Sewer Service Charges. {Allows sewer customers to document accurate readings of discharge into the County sewer system and for customers to be charged only for the amount actually discharged into the County system. }

Re: Comm. 808
Intr. by: Mr. Tyler
Waived: PEMC

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 353: 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 Transfer from General Fund (\$4,000); appropriates same to Recycling Program. }

Re: Comm. 809
Intr. by: Mr. Tyler
Waived: FC

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 249: Amends Section 25-8-28 (Ka'u 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 Project District at Palima and Paauau, Ka'u, Hawai'i, Covered by Tax Map Key 9-6-5:18 and 9-6-6:4 (approx. 171.782 acres, more or less). {Hester Farming Co., LLC, Applicant.}

Re: Comm. 561
 Intr. by: Mr. Elarionoff
 Deferred: May 19, 2004
 Public Hearing: June 7, 2004
 1st Reading: August 18, 2004

PASSED 2nd & FINAL READING:

AYES: Council Members Chung, Elarionoff, Holschuh, Reynolds, Tulang, and Chair Arakaki – 6.

NOES: Council Members Jacobson, Safarik, and Tyler – 3.

ABSENT & EXCUSED: None.

Bill 310: 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 Vehicle & Trailer Weight Taxes (\$1,015,796); appropriates to the following: Traffic Signs & Markings (\$216,812), South Hilo Road Salaries and Wages (\$25,284), South Hilo Road Other Current Expenses (\$4,800), North & South Kohala Road Salaries and Wages (\$12,642), North & South Kohala Road Other Current Expenses (\$4,400), North & South Kona Road Salaries and Wages (\$63,210), North & South Kona Road Other Current Expenses (\$6,000), Ka'u Road Salaries and Wages (\$12,642), Ka'u Road Other Current Expenses (\$4,400), Puna Road Salaries and Wages (\$113,778), Puna Road Other Current Expenses (\$15,600), Highway Mass Transit Other Current Expenses (\$338,260), Pension Accumulation – Highway (\$45,228), Federal Insurance Contributions Act Employer Share – Highway (\$7,530), Employee Health Plans – Highway (\$27,199), Worker's Compensation – Highway (\$118,011), for a total of \$1,015,796.}

Re: Comm. 725
 Intr. by: Mr. Chung (B/R)
 1st Reading: October 4, 2004

PASSED 2nd & FINAL READING:

AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, and Chair Arakaki – 6.

NOES: Council Member Tyler – 1.

ABSENT & EXCUSED: Council Members Chung and Tulang – 2.

Bill 315: 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 State Grants – Beverage Container Deposit Program (\$250,000); appropriates same to Beverage Container Deposit Program. }

Re: Comm. 742
 Intr. by: Mr. Chung
 1st Reading: October 4, 2004

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 316: 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 – Beverage Container Demonstration Project (\$3,000); appropriates same to Beverage Container Demonstration Project. }

Re: Comm. 744
 Intr. by: Mr. Chung
 1st Reading: October 4, 2004

PASSED 2nd & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: None.

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended July 31, 2004.

APPROVED

PC-111 (Comm. 564): Recommends approval of the nomination of Mr. Riley M. Saito (Council District 8) to the Kailua Village Design Commission.

APPROVED

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. 758: M. W. MIRANDA TRUCKING VS. COUNTY OF HAWAI'I, CIVIL NO. 01-1-0343
 From Deputy Corporation Counsel Harry P. Freitas, dated September 13, 2004;

Deferred: October 4, 2004

FILED

and

Comm. 758.1: From Deputy Corporation Counsel Harry P. Freitas, dated September 30, 2004.

Comm. 801: THOMAS G. NAUMAN V. PAUL BUGADO, ET AL.; CIVIL NO. 04-00392 DAE/LEK
 From Deputy Corporation Counsel Brandon A. K. Gonzalez, dated October 5, 2004.

CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

OTHER BUSINESS

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

ANNOUNCEMENTS

FINANCE COMMITTEE WORKSHOP RE BILL 49, DRAFT 3	<u>THURSDAY, OCTOBER 28, 2004</u> 6:30 p.m.	HONOKA'A GYM
COMMITTEES	<u>TUESDAY, NOVEMBER 9, 2004</u> TBA	COUNCIL ROOM
COUNCIL	<u>WEDNESDAY, NOVEMBER 10, 2004</u> 9:00 a.m.	COUNCIL ROOM
COMMITTEES	<u>TUESDAY, NOVEMBER 23, 2004</u> TBA	COUNCIL ROOM
COUNCIL	<u>WEDNESDAY, NOVEMBER 24, 2004</u> 9:00 a.m.	OHANA KEAUHOU BEACH RESORT

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 8:04 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 October 18, 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, October 27, 2004, at 6 p.m.; Sunday, October 31, 2004, at 10:30 a.m.; and Wednesday, November 3, 2004, at 6 p.m.