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COUNTY COUNCIL

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

47th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, November 10, 2004
9:00 a.m.

INVOCATION

Pastor Richard Uejo, KMC Chapel and Heritage Fellowship

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. 248-04: 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 Repeat Offenders Project Grant for the Hawai'i County Police Department. {Funds to be used to reduce major crashes and fatalities involving drivers with no valid driver's license.}

Re: Comm. 795
Intr. by: Mr. Chung
Approve: FC-329

Res. 249-04: Authorizes the Office of the Mayor to Enter into an Agreement with the State of Hawai'i Department of Business, Economic Development, and Tourism, Pursuant to HRS 46-7, for a Geopowering the West Grant. {Funds to be used to establish a working group to support utilization of the direct use of geothermal heat by gathering and providing information from and to the community, the County government, and interest parties.}

Re: Comm. 796
Intr. by: Mr. Chung
Approve: FC-331

Res. 250-04: 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 in Connection with the Hawai'i Island Meth Initiative. {Funds to be used to purchase needed equipment for the Hawai'i County Police Department's Crime Laboratory and to train the Criminalists to assist the Department in its current "war" against the ice epidemic.}

Re: Comm. 797
Intr. by: Mr. Chung
Approve: FC-333

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
 Deferred: October 20, 2004

and

Res. 255-04 (Draft 2): 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. Draft 2 adds the Election Clerk I position under Section 7.01 of the bill;

Re: Comm. 810.1
 Intr. by: Mr. Chung (B/R)
 Deferred: October 20, 2004

and

Res. 255-04 (Draft 3): 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. {Draft 3 amendments are as follows: deletes Legislative Analyst I, II, and III; deletes Council Services Supervisor, Council Services Assistant I and II, and Legislative Information and Reference Technician; and deletes related information in the recitals.}

Re: Comm. 810.3
 Intr. by: Mr. Chung
 Deferred: October 20, 2004

(Note: There is a pending motion by Mr. Chung and duly seconded by Mr. Jacobson to approve Resolution 255-04; and a pending motion by Mr. Chung and duly seconded by Mr. Jacobson to amend Resolution 255-04 with Draft 2; and Resolution 255-04, Draft 2, was further amended to Draft 3 on October 20, 2004.)

Res. 256-04: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$74,500 out and from the Clerk – Council Services – Contingency Relief account; credits same to the Transfer to Capital Improvement Project Fund account. Funds to be used for facility repairs to Harold H. Higashihara Park.}

Re: Comm. 802
 Intr. by: Mr. Reynolds
 Waived: FC

Res. 257-04: Recognizes November 2004 as Alternative Dispute Resolution Month in the State of Hawai'i. {Supports the efforts of the Center for Alternative Dispute Resolution in helping mediate complex litigation, and administrative and judicial disputes that affect the public interest or that involve agencies of state and local governments.}

Re: Comm. 827
Intr. by: Mr. Chung
Waived: FC

Res. 261-04: 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 same to Transfer to Capital Improvement Project Fund account which includes the following projects - Repairs to Facilities for the Pana'ewa Equestrian Center (\$49,500) and Machado Acres Park (\$50,000), for a total of \$99,500.}

Re: Comm. 835
Intr. by: Mr. Arakaki
Waived: FC

Res. 264-04: Affirms the Continued Civil Service Status of Certain Positions in the Office of the County Clerk/Council. {Includes the council services supervisor positions, council services assistant positions, and the legislative information and reference technician position.}

Re: Comm. 841
Intr. by: Mr. Arakaki, Mr. Tyler, Mr. Chung,
Mr. Elarionoff, Mr. Holschuh, Mr. Jacobson,
Mr. Reynolds, Mr. Safarik, and Mr. Tulang
Waived: FC

Res. 265-04: Creates a Deputy Corporation Counsel Position for the Office of the Corporation Counsel. {Position will mitigate the workload of all attorneys, allowing each attorney to focus on their County clients by providing further training and updating out-of-date regulations, forms, and contracts and projects such as risk management, standardizing County contracts, and reviewing and updating department and County-wide policies and procedures, and to specialize in needed areas (such as labor litigation and personnel law)};

Re: Comm. 842
Intr. by: Mr. Chung
Waived: FC

and

Comm. 842.1: From Corporation Counsel Lincoln S. T. Ashida, dated October 28, 2004.

Res. 266-04: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$10,000 out and from Clerk-Council Services - Contingency Relief account; credits same to Clerk-Council Services Other Current Expense Equipment account. Funds to be used to purchase handheld wireless microphones to facilitate public testimony at Council meetings and public hearings.}

Re: Comm. 843
Intr. by: Mr. Tyler
Waived: FC

Res. 267-04: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$25,000 out and from Clerk-Council Services - Contingency Relief account; credits same to Friends of the Park - Miscellaneous Charges. Funds to support park beautification activities for Friends of the Park in Kona.}

Re: Comm. 844
Intr. by: Mr. Tyler
Waived: FC

Res. 268-04: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$107,000 out and from Clerk-Council Services - Contingency Relief account; credits same to Impact Fees Needs Assessment Study. These studies are required pursuant to Section 46-143, Hawaii Revised Statutes, prior to the adoption of an impact fee ordinance, which will provide a valuable and accountable planning tool for our County.}

Re: Comm. 845
Intr. by: Mr. Tyler
Waived: FC

Res. 269-04: Requests the Supreme Court of the State of Hawai'i to Render an Expedited Decision in the Appeal of Civil Case No. 00-1-0192K, Walter John Kelly et. al. vs. 1250 Oceanside Partners et. al. {Expresses the Council's interest in a prompt, clear and conclusive resolution to this lawsuit.}

Re: Comm. 846
Intr. by: Mr. Elarionoff
Waived: PC

BILLS FOR ORDINANCES (FIRST READING)

Bill 49
(Draft 3): Amends Chapter 19, Articles 1,7 and 8 of the Hawai'i County Code 1983 (1995 Edition), Relating to Real Property Tax Definitions; Non-Dedicated Agricultural Use Assessment and Agricultural Use Dedication. {Proposes amendments to real property tax provisions to support the agriculture industry through property tax incentives, and to close loopholes that enable some non-farmers to take advantage of tax provisions intended to help the agriculture industry.};

Re: Comm. 118.6
Intr. by: Mr. Chung (B/R)
Approve: FC-338

and

Comm. 118.36: From Finance Committee Chair Aaron S. Y. Chung, dated October 20, 2004;

and

Comm. 118.37: From Council Member Michael C. Tulang, dated October 27, 2004; *and*

Comm. 118.38: From Council Vice Chair J. Curtis Tyler, III, dated October 28, 2004, transmitting Bill 49, Draft 4. The major differences between Draft 4 and Draft 3 include the following: 1) adds a definition for "agricultural use value"; 2) adds a definition for farm dwelling; 3) changes the valuation method for determining farm dwelling site to the highest commercial agriculture use value and limits assessment of site to one-fourth acre; and 4) consequently eliminates ability of home site on non-dedicated and commercial dedicated agriculture lands to qualify for Homeowner Class; *and*

Bill 49
(Draft 4): Amends Chapter 19, Articles 1,7 and 8 of the Hawai'i County Code 1983 (1995 Edition), Relating to Real Property Tax Definitions; Non-Dedicated Agricultural Use Assessment and Agricultural Use Dedication.

Intr. by: Mr. Chung and Mr. Tyler

Bill 248
(Draft 4): 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 1-Acre (A-1a), Neighborhood Commercial - 40,000 Square Foot (CN-40), Single Family Residential - 7,500 Square Foot and 10,000 Square Foot (RS-7.5 and RS-10) and Open (O) to Project District at South Hilo, Hawai'i, Covered by Tax Map Key 2-3-44:19, 2-3-49:53 and 2-3-37:1 (171.504 acres). {Western United Life Assurance Company, Applicant.}

Re: Comm. 560.42
Intr. by: Mr. Elarionoff
Approve: PC-117

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
Deferred: October 20, 2004

and

Bill 327
(Draft 3): 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.}. (Draft 3 amends Condition B re the effective date of final plan approval.);

Re: Comm. 770.6
Intr. by: Mr. Elarionoff
Deferred: October 20, 2004

and

Comm. 770.5: From Planning Consultant Sidney M. Fuke, dated October 22, 2004; *and*
Comm. 770.7: From Richard T. Denison, dated October 19, 2004; *and*
Comm. 770.8: From Council Vice Chair J. Curtis Tyler, III, dated October 29, 2004.

(Note: There is a pending motion by Mr. Elarionoff and duly seconded by Mr. Holschuh to approve Bill 327, Draft 2; and Bill 327, Draft 2, was further amended to Draft 3 on October 20, 2004.)

Bill 329
(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 7-3-27:21 (approx. 20.992 acres). {Thad E. Bond, Applicant.}

Re: Comm. 786.1
Intr. by: Mr. Elarionoff
Approve: PC-112

Bill 341
(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 Family Agricultural (FA-3a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-25:7 (approx. 20.477 acres). {Phil Knierim, Applicant.}

Re: Comm. 787.1
Intr. by: Mr. Elarionoff
Approve: PC-113

Bill 342: 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 Kalaoa 1st and 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-3-011:068 (approx. 1.8628 acres). {Lilian Mahi, Applicant.}

Re: Comm. 788
Intr. by: Mr. Elarionoff
Approve: PC-114

Bill 343
(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 - 5 Acres (A-5a) to Single Family Residential - 20,000 Square Feet (RS-20) at Kalaoa 1st and 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-3-011:068 (approx. 1.8628 acres). {Lilian Mahi, Applicant.}

Re: Comm. 788.1
Intr. by: Mr. Elarionoff
Approve: PC-115

Bill 344
(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 Neighborhood Commercial (CN-10) to Industrial-Commercial Mixed (MCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-32:93 (approx. 59,356 square feet). {WKSP Limited Partnership, Applicant.}

Re: Comm. 793.1
Intr. by: Mr. Elarionoff
Approve: PC-116

Bill 345: 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 – Repeat Offenders Project (\$16,800); appropriates same to Repeat Offenders Project.}

Re: Comm. 795
 Intr. by: Mr. Chung
 Approve: FC-330

Bill 346: 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 – Geopowering the West (\$9,560); appropriates same to Geopowering the West.}

Re: Comm. 796
 Intr. by: Mr. Chung
 Approve: FC-332

Bill 347: 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 Oriented Policing Services – Police (\$200,000); appropriates same to Community Oriented Policing Services – Police.}

Re: Comm. 797
 Intr. by: Mr. Chung
 Approve: FC-334

Bill 348
 (Draft 2): Amends Ordinance No. 04-59 of the County of Hawai'i on May 19, 2004 Relating to the Issuance of General Obligation Bonds for the Purpose of Financing Various Public Improvements for the County of Hawai'i. {Proceeds to be apportioned as follows: North and South Kona (\$23,000,000); South Kohala (\$10,000,000); Puna (\$7,000,000); four park-and-ride facilities in Hāmākua, South Kona, North Kona, and Puna (\$1,500,000); Sand Gulch by-pass road in Hāmākua (\$2,400,000); Laupāhoehoe Point emergency access road (\$100,000); transportation enhancement projects in Hilo (\$1,000,000); and island wide facility planning efforts to include \$2,000,000 for the identification of roadway corridors, wastewater facilities planning and expansion, solid waste facilities planning and implementation and multimodal transportation planning and implementation, for a total bond authorization of \$47,000,000.};

Re: Comm. 798.7
 Intr. by: Mr. Chung
 Approve: FC-335

and

(Comm. 798.8 continues on the next page.)

Comm. 798.8: From Rick Berman, President, Paauilo Mauka-Kalopa Community Association, dated October 22, 2004; *and*
 Comm. 798.9: From Council Chair James Y. Arakaki, dated October 23, 2004.

Bill 349: 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 Previous Year (\$298,200); appropriates same to Highway Maintenance Administration Equipment. Funds to be used for the purchase of seven 6-passenger dump trucks with radio accessories for the new additional positions being requested (ref. to Res. 225-04 and Bill 310) and will be funded from the available fund balance.}

Re: Comm. 803
 Intr. by: Mr. Chung
 Approve: FC-336

Bill 350: 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 Previous Year (\$3,217,488); appropriates to the following: Research and Development Salaries and Wages (\$37,488), Building Repair and Maintenance Other Current Expense (\$80,000), Transfer to Capital Project Fund – General Fund (\$600,000), Transfer to Self Insurance Fund (\$2,500,000), for a total of \$3,217,488. Pursuant to Section 10-8 of the Hawai'i County Charter relating to supplemental appropriations, certifies there is an excess balance of \$6,697,734.37 in the General Fund fund balance as of June 30, 2004 and, therefore, proposes to fund a portion of this amount for the above projects.};

Re: Comm. 804
 Intr. by: Mr. Chung
 Approve: FC-337

and
 Comm. 804.14: From Council Chair James Y. Arakaki, dated October 28, 2004, transmitting Bill 350, Draft 2. Draft 2 increases the Fund Balance appropriation by \$2,000,000 and increases the expenses to the Planning Department for \$2,000,000 to conduct Community Development Plans around the island reflecting the future character of the districts, community values, its goals and its interrelationship with other districts; *and*
(Bill 350, Draft 2, continues on the next page.)

Bill 350
(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. {Appropriates revenues in Fund Balance from Previous Year (\$5,217,488); appropriates to the following: Research and Development Salaries and Wages (\$37,488), Building Repair and Maintenance Other Current Expense (\$80,000), Transfer to Capital Project Fund - General Fund (\$600,000), Transfer to Self Insurance Fund (\$2,500,000), and Planning Other Current Expense Miscellaneous Contract Services (\$2,000,000), for a total of \$5,217,488. }

Re: Comm. 804
Intr. by: Mr. Chung
Approve: FC-337

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 175
(Draft 5): 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. 395.6
Intr. by: Mr. Chung (B/R)
1st Reading: October 20, 2004

and

Comm. 395.7: From Marshall Blann, dated October 23, 2004.

Bill 176
(Draft 3): 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. 394.8
Intr. by: Mr. Chung (B/R)
1st Reading: October 20, 2004

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 Amends 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 7 amends 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.};

Re: Comm. 42.64
Intr. by: Mr. Tyler
1st Reading: October 20, 2004

and

Comm. 42.72: From Council Vice Chair J. Curtis Tyler, III, dated October 29, 2004; *and*
Comm. 42.73: From Marie Aguilar, President, Kailua Village Merchants Association Kona Marketplace, dated October 22, 2004; *and*

Comm. 42.74: From Public Works and Intergovernmental Relations Committee Member J. Curtis Tyler, III, dated October 29, 2004, transmitting Bill 280, Draft 8. The changes between Draft 8 and Draft 7 include provisions relating to: balloons, airplanes banners, the definition of the "Kailua Industrial Subdivision", window signs, spherical signs, banner permits, enforcement and directory signs; *and*

Bill 280
(Draft 8):
(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 Amends 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).

Intr. by: Mr. Tyler

Bill 320
(Draft 4): 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 minimum of \$80,000 for those eligible for home exemptions.}

Re: Comm. 753.4
Intr. by: Mr. Chung
1st Reading: October 20, 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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

and

Comm. 761.2: From Public Works Director Bruce C. McClure, P.E., dated October 13, 2004, transmitting Bill 323, Draft 3. Draft 3 contains the proper spelling of Hawaiian words and includes the macrons and glottal stops that were not provided in Draft 1; *and*

Bill 323
(Draft 3): Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) Relating to Vehicles and Traffic.

Intr. by: Mr. Safarik

Bill 324
(Draft 3): 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. 766.2
Intr. by: Mr. Tyler and Mr. Safarik
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004
2/3 Vote: Section 10-6(d), Hawai'i County Charter

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
1st Reading: October 20, 2004

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 - Kawaiiani 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)
1st Reading: October 20, 2004
2/3 Vote: Section 10-6(d), Hawai'i County Charter

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

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
1st Reading: October 20, 2004

and

Comm. 808.1: From Environmental Management Director Barbara Bell, dated October 28, 2004.

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
1st Reading: October 20, 2004

REPORTS

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

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended September 30, 2004.

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. 752.1: EMORY SPRINGER V. COUNTY OF HAWAII, CIVIL NO. 02-00289 HG/KSC
From Deputy Corporation Counsel Katherine A. Garson, dated October 19, 2004.

Comm. 828: CLAIM AGAINST THE COUNTY/JEANNE L. BALOG
From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 25, 2004.

Comm. 833: CLAIM AGAINST THE COUNTY/MARK A. HARRELL
From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 27, 2004.

Comm. 428.2: KEALOHA M. J. WELLS, ET AL., V. MARK FARIAS, ET AL., CIVIL NO. 02-1-0149K
From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 29, 2004.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, NOVEMBER 9, 2004</u>	
PUBLIC WORKS & INTERGOVERNMENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCIL ROOM
FINANCE COMMITTEE	9:30 a.m.	COUNCIL ROOM
PARKS & ENVIRONMENTAL MANAGEMENT COMMITTEE	11:00 a.m.	COUNCIL ROOM
PLANNING COMMITTEE	1:00 p.m.	COUNCIL ROOM
HOUSING AGENCY	3:00 p.m.	COUNCIL ROOM
HUMAN SERVICES AND ECONOMIC DEVELOPMENT COMMITTEE	3:30 p.m.	COUNCIL ROOM
	<u>TUESDAY, NOVEMBER 23, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, NOVEMBER 24, 2004</u>	
COUNCIL	9:00 a.m.	OHANA KEAUHOU BEACH RESORT
	<u>MONDAY, DECEMBER 6, 2004</u>	
COUNCIL SINE DIE	10:00 a.m.	COUNCIL ROOM
COUNCIL NEW	3:00 p.m.	COUNCILROOM

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 November 8, 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, November 17, 2004, at 6 p.m.; Sunday, November 21, 2004, at 10:30 a.m.; and Wednesday, November 24, 2004, at 6 p.m.