

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

Comm. 99: NOMINATION TO THE HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) SPECIAL COMMITTEE ON SOLID WASTE MANAGEMENT COMMITTEE
 From Council Chair Gary Safarik, dated February 8, 2005, nominating Council Member Bob Jacobson to fill a vacancy on the HSAC Special Committee on Solid Waste Management created by the departure of former Council Member Michael Tulang.

Waived: PWIRC

APPROVED

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

ORDER OF RESOLUTIONS

Res. 34-05: Authorizes a Grant of Easement for Retaining Wall Purposes at the Kona Palisades Subdivision, Unit I, Kalaoa 5th, District of North Kona, County and State of Hawai'i, Portion of Imo Place Fronting Tax Map Key: (3)7-3-031:046, to Abutting Landowners Frances Rae McClure, Trustee, and John Q. McClure, Jr. {Fair market value of the retaining wall easement with an area of 28 square feet is \$625.}

Re: Comm. 74
 Intr. by: Mr. Ikeda
 Approve: PWIRC-2

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Ikeda, Isbell, Jacobson, and Chair Safarik – 7.

NOES: Council Member Pilago – 1.

ABSENT & EXCUSED: Council Member Holschuh – 1.

Res. 36-05: Requests that the State of Hawai'i, Pursuant to Chapter 39B of the Hawai'i Revised Statutes, Allocate an Additional Unused 2004 Private Activity Bond Authority to the County of Hawai'i. {County wishes to initiate a single-family loan program similar to the State of Hawai'i's Hula Mae Program for Hawai'i County residents and intends to work cooperatively with the State to complement the State's housing programs and initiatives.}

Re: Comm. 81
 Intr. by: Ms. Isbell
 Approve: FC-35

ADOPTED:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED: None.

BILLS FOR ORDINANCES (FIRST READING)

Bill 4
(Draft 4): Amends Chapter 4 of the Hawai'i County Code 1983 (1995 Edition), Animals. {The purpose of this measure is to amend Chapter 4 by adding definitions, increasing licensing and impound fees, increasing penalties, establishing minimum fines, establishing method of resolution for first offense of violations prior to the court date, modify duration and time of day of restrictions regarding noisy dogs, and permitting an animal care center to contract with the County to provide services for animal control and care.};

Re: Comm. 22.22
Intr. by: Mr. Safarik
Approve: PSPRC-4

AMENDED DRAFT 4 WITH DRAFT 5 (DRAFT 5 CIRCULATED)
(NOTE: PUBLIC HEARINGS TO BE HELD ON DRAFT 5 IN HILO, KONA, WAIMEA, AND KA'U):

and

Comm. 22.18: From David Hammes, dated January 31, 2005; *and*
Comm. 22.19: From Albert Ledergerber, undated; *and*
Comm. 22.20: From Wayne Sakedo, undated.

Bill 26: 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 State Grants – Product Development Program (\$50,000); appropriates same to Product Development Program – State. Additional funding to be used in calendar year 2005 by the Department of Research and Development's Product Enrichment Program to support and improve tourism product development initiatives and projects.}

Re: Comm. 80
Intr. by: Ms. Isbell
Approve: FC-34

PASSED 1ST READING:
AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.
NOES: None.
ABSENT & EXCUSED:None.

Bill 355
(2002-2004):

Amends the State Land Use Boundaries Map, H-65 for the County of Hawai'i, by Changing the District Classification from the Agricultural to the Urban District at Makahanaloa, South Hilo, Hawai'i, Covered by Tax Map Key 2-8-8:103, Por. 104, Por. 95, and Por. 3 (approx. 4.182 acres). {Continental Pacific, LLC, Applicant.}

Re: Comm. 821
Intr. by: Mr. Elarionoff
Approve: PC-6

PASSED 1ST READING:

- AYES:** Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Safarik – 8.
- NOES:** Council Member Jacobson – 1.
- ABSENT & EXCUSED:**None.

Bill 356
(2002-2004):

Amends Section 25-8-35 (Pepeekeo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Village Commercial (CV-10), Limited Industrial (ML-20), and General Industrial (MG-5a) to Single Family Residential (RS-20) and from Agricultural (A-20a) to Limited Industrial (ML-20) at Makahanaloa, South Hilo, Hawai'i, Covered by Tax Map Key 2-8-8:103, Por.104, Por. 95, and Por. 3 (Area: Parcel A – approx. 1.194 acres; Parcel B – approx. 1.462 acres; Parcel C – approx. 6.64 acres; Parcel D – approx. 4.182 acres; Total: approx. 13.478 acres). {Continental Pacific, LLC, Applicant.};

Re: Comm. 821
Intr. by: Mr. Elarionoff
Approve: PC-7

PASSED 1ST READING:

- AYES:** Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Safarik – 8.
- NOES:** Council Member Jacobson – 1.
- ABSENT & EXCUSED:**None.

and

Comm. 92.9:

From Cory Harden, dated February 1, 2005.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 2: Amends Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Open (O) to Family Agricultural (FA-2a) at Kapoho, Puna, Hawai'i, Covered by Tax Map Key 1-4-73:1 (approx. 4.861 acres). {Mark Dziatko and Fay Machielse, Applicant. }

Re: Comm. 8
 Intr. by: Mr. Elarionoff
 1st Reading: February 2, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 18 (Draft 5): Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), Relating to Refuse Fee Schedule. {Allows for more accuracy in charging for costs incurred by the Solid Waste Division in providing necessary services to divert organics from our landfills. Draft 5 inserts a new Section (C) relating to the greenwaste and organics disposal fee and renumbers the other provisions.};

Re: Comm. 51.6
 Intr. by: Mr. Jacobson
 Postponed: January 21, 2005
 1st Reading: February 2, 2005

and

Comm. 51.7: From Environmental Management Director Barbara Bell, dated February 4, 2005, transmitting Bill 18, Draft 6. Draft 6 more accurately reflects where greenwaste and organics locations would be allowed; *and*

Bill 18 (Draft 6): Amends Chapter 20, of the Hawai'i County Code 1983 (1995 Edition), Relating to Refuse Fee Schedule.

Intr. by: Mr. Jacobson

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 22: 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 (\$200); appropriates same to Fire Protection – Other Current Expense.}

Re: Comm. 69
 Intr. by: Ms. Isbell
 1st Reading: February 2, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.
NOES: None.
ABSENT & EXCUSED:None.

Bill 24: 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 – Sexual Assault Forensic Examiners Coordinators Grant (\$66,443); appropriates same to Sexual Assault Forensic Examiners Coordinators Grant.}

Re: Comm. 71
 Intr. by: Ms. Isbell
 1st Reading: February 2, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 9.
NOES: None.
ABSENT & EXCUSED:None.

Bill 27: Amends Chapter 19, Article 8, Section 19-60, of the Hawai'i County Code 1983 (1995 Edition), Relating to Commercial Agricultural Use Dedication. {Allows for a one-time extension for filing of commercial agricultural use dedication for the 2005-2006 tax year to accommodate the end of the year passage of Ordinance No. 04-143.}

Re: Comm. 84
 Intr. by: Ms. Isbell
 1st Reading: February 2, 2005

PASSED 2nd & FINAL READING:

AYES: Council Members Arakaki, Higa, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Safarik – 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.)

Comm. 86: DONNA ALCOSIBA, ET. AL. V. LESLIE BOTELHO, ET. AL. CIV. NO. 04-1-0017
 From Corporation Counsel Lincoln S. T. Ashida, dated January 25, 2005.
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

	<u>MONDAY, FEBRUARY 28, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>TUESDAY, MARCH 1, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>THURSDAY, MARCH 10, 2005</u>	
NONPROFIT SITE VISIT/INTERVIEWS (E. HAWAI'I)	8:00 a.m.	TBA
	<u>FRIDAY, MARCH 11, 2005</u>	
NONPROFIT SITE VISIT/INTERVIEWS (E. HAWAI'I)	8:00 a.m.	TBA
	<u>MONDAY, MARCH 14, 2005</u>	
COUNCIL PUBLIC HEARING RE BUDGETS (E. HAWAI'I)	5:00 p.m.	COUNCIL ROOM
	<u>TUESDAY, MARCH 15, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM

WEDNESDAY, MARCH 16, 2005

COUNCIL

9:00 a.m.

SHERATON KEAUHOU
BAY RESORT AND SPACOUNCIL PUBLIC
HEARING RE BUDGETS
(W. HAWAI'I)

6:00 p.m.

THURSDAY, MARCH 17, 2005NONPROFIT SITE
VISIT/INTERVIEWS
(W. HAWAI'I)

8:00 a.m.

TBA

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 2:29 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 February 14, 2005. Persons using TDDs may call 961-8521. 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 Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740.

Note: Videoconference from the Kona Mayor's Office is available for this meeting.

Submitting Testimony: Those persons wishing to testify in person or by videoconference must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring fifteen copies of the testimony for distribution at the meeting. Those testifying by videoconference from the Mayor's Office in Kailua-Kona, located at Hanama Place, 75-5706 Kuakini Hwy., Suite 103, should bring one copy of the testimony. Those persons unable to testify in person or by videoconference may submit testimony (1) by mail to the County Clerk's Office in Hilo at the above address, (2) by facsimile to (808) 961-8912, or (3) by e-mail to counciltestimony@co.hawaii.hi.us. Copies will be made and distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be considered public record.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, February 23, 2005, at 6 p.m.; Sunday, February 27, 2005, at 10:30 a.m.; and Wednesday, March 2, 2005, at 6 p.m.