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FRED C. HOLSCHUH, M.D.
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BOB JACOBSON
K. ANGEL PILAGO
GARY SAFARIK

COUNTY COUNCIL

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

14th Session

ORDER OF BUSINESS

Hawai'i County Council
Sheraton Keauhou Bay Resort and Spa
78-128 Ehukai Street
Kailua-Kona, Hawai'i

Wednesday, June 15, 2005
9:00 a.m.

INVOCATION	Senior Pastor James "Tex" Texeira of Solid Rock Ministries
CALL TO ORDER	9:04 a.m.
ROLL CALL	
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	May 4, 2005 – <u>APPROVED AS AMENDED</u>

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

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

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON COMM. 299 AND ORDER OF RESOLUTIONS

Comm. 299: NOMINATES THE FOLLOWING INDIVIDUALS TO THE NATIONAL ASSOCIATION OF COUNTIES (NACo) BOARD OF DIRECTORS: DONOVAN DELA CRUZ (CITY AND COUNTY OF HONOLULU), DAIN KANE (MAUI COUNTY), AND JIMMY TOKIOKA (KAUA'I COUNTY).
 From Council Member K. Angel Pilago, dated June 3, 2005, recommending approval of the above nominations by the Hawai'i State Association of Counties (HSAC) Executive Committee.

Waived: PWIRC

APPROVED

ORDER OF RESOLUTIONS

Res. 92-05: Accepts the Dedication of Lot 278 (Drainage Easement), TMK: (3)5-5-014:071, and Lot 288 (Roadway Parcel), TMK: (3)5-5-014:081, Being Part of the Hāwī Mutual Self-Help and For-Sale Affordable Housing Project, Situate at Hāwī, in the District of North Kohala, County and State of Hawai'i, from Hawai'i Island Community Development Corporation.

Re: Comm. 259

Intr. by: Mr. Ikeda

Approve: PWIRC-10

ADOPTED:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Res. 95-05: Supports Comprehensive Public Funding of Election Campaigns. {Supports the voluntary use by candidates of comprehensive public funding of election campaigns (in lieu of private campaign contributions).}

Re: Comm. 264

Intr. by: Ms. Isbell

Approve: PWIRC-11

ADOPTED:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Res. 103-05: Accepts the Dedication of Road Lot R-1 (Kapukapu Street, Ho'omohala Road, Ho'owaiwai Place and Ho'owaiwai Court), and Road Lot R-2 (La'aloa Avenue), Situate in the District of North Kona, County and State of Hawai'i, Tax Map Key: (3)7-7-027:040 (Portion), from Towne Keauhou. {Roadway lots are located in the Ali'i Heights Subdivision, Unit I, Phase I.}

Re: Comm. 285
 Intr. by: Mr. Ikeda
 Approve: PWIRC-12

ADOPTED:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Res. 104-05: Authorizes the Acceptance of a Donation of Real Properties Situate at Ahualoa, District of Hāmākua, Island and County of Hawai'i, Designated as Tax Map Key: (3)4-6-009:008, from Elizabeth L. Rapozo, Trustee. {Roadway lots are presently part of Kahana Drive in the District of Hāmākua.}

Re: Comm. 286
 Intr. by: Mr. Ikeda
 Approve: PWIRC-13

ADOPTED:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Res. 110-05: Supports the Kona Traffic Safety Committee and its Efforts for the Immediate Improvement of Mamalahoa Highway Between Mile Markers 11 and 28.

Re: Comm. 297
 Intr. by: Mr. Pilago
 Waived: PWIRC

AMENDED TO DRAFT 2 & ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 111-05: Authorizes the Mayor or His Duly Authorized Representative to Negotiate and Execute an Agreement to Administer the Department of Hawaiian Home Lands Rehabilitation Loan Program.

Re: Comm. 298
 Intr. by: Mr. Hoffmann
 Approve: CHA – June 1, 2005

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 112-05: Changes the Funding Source of Two (2) Police Officer II Positions Under the Positive Alternative Gang Education (PAGE) Program. {The Police Department was informed that although they would continue to receive grant funds for the PAGE Program's operational costs next fiscal year, these funds may no longer be used for salaries and wages, therefore, the source of funding needs to be changed from grant funds to County funds to continue this program.}

Re: Comm. 300
 Intr. by: Ms. Isbell (B/R)
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, and Chair Higa – 7.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 113-05: 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 Department of Research & Development – Hawai'i County Resource Center account; credits same to Transfer to Capital Projects Fund (Department of Parks and Recreation, Lincoln Park Improvements). Funds would be used for the Lincoln Park Improvement project.}

Re: Comm. 301
 Intr. by: Ms. Isbell (B/R)
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 114-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$3,340 out and from Clerk-Council Services Other Current Expense – Miscellaneous Charges account; credits same to Transfer to Educational, Recreational & Scientific Equipment Police Department (Neighborhood Watch Program and Community Policing Program). Funds would be used to supplement the Neighborhood Watch Program and the Community Policing Program.}

Re: Comm. 302
 Intr. by: Mr. Safarik
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 115-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$3,340 out and from Clerk-Council Services Other Current Expense – Miscellaneous Charges account; credits same to Transfer to Tourism Promotion-Miscellaneous Contract Services Department of Research and Development (Tourism Promotion Program). Funds would be used to fund the Third Annual International Children's Art Festival.}

Re: Comm. 303
 Intr. by: Mr. Jacobson
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 116-05: Celebrates 100 Years of Service to the Community. {Supports Mayor Harry Kim's proclamation naming July 6, 2005, as "100 Years of Service to the Community Day" and invites residents to a historical exhibit on July 6, 2005, at 10 a.m. at the Aupuni Center at 101 Pauahi Street.}

Re: Comm. 304
 Intr. by: Mr. Higa
 Waived: PWIRC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

9:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 92 Amends Ordinance No. 92 7, Which Reclassified Lands from Agricultural
(Draft 2): (A-3a) to Single Family Residential (RS-10) at Waiakea, South Hilo, Hawai'i,
Covered by Tax Map Key 2-4-3:Por. 21 (approx. 6.0003 acres). {Puluwai,
LLC, Applicant. Request: Time Extension to Conditions B, C, and O.}

Re: Comm. 241.1
Intr. by: Mr. Hoffmann and Mr. Pilago
Approve: PC-23

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda,
Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED:Council Member Safarik – 1.

10:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 66 Amends Chapter 2, Article 17, Section 2-104 of the Hawai'i County Code,
(Draft 2): Relating to Fees for Copies of Public Records.

Re: Comm. 178.3
Intr. by: Mr. Jacobson
1st Reading: June 1, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda,
Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED:Council Member Safarik – 1.

Bill 88: Amends Section 25-8-13 (Puako-Anaehoomalu Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Multiple Family Residential (RM-3) and Multiple Family Residential (RM-4) to Single Family Residential (RS-20) at Anaehoomalu, South Kohala, Hawai'i, Covered by Tax Map Key 6-8-33:1-6, 8-14, 16-18, 20-49 (approx. 41.4 acres). {Lot Owners Within the 49 Black Sands Beach at Mauna Lani Subdivision, Applicant.}

Re: Comm. 229
 Intr. by: Mr. Hoffmann and Mr. Pilago
 1st Reading: June 1, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 93: Amends Section 25-8-6 (Pahoa Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Single Family Residential (RS-10) to Village Commercial (CV-10) at Nanawale Homesteads, Puna, Hawai'i, Covered by Tax Map Key 1-5-11:10 (approx. 10,410 square feet). {Jeffrey Hunt, Applicant.}

Re: Comm. 242
 Intr. by: Mr. Hoffmann and Mr. Pilago
 1st Reading: June 1, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 94: Amends the State Land Use Boundaries Map, H-66 for the County of Hawai'i, by Changing the District Classification From the Agricultural and Urban District to the Urban and Agricultural District at Kalalau, South Hilo, Hawai'i, Covered by Tax Map Keys 2-6-8:Portion of 22 and 2-6-9:Portion of 8 (Parcel "A" approx. 20,084 square feet). {Johanna Leaird and Kamehameha Schools, Applicant.}

Re: Comm. 243
 Intr. by: Mr. Hoffmann and Mr. Pilago
 1st Reading: June 1, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 95
(Draft 3): Amends Sections 25-8-32 (South Hilo Zone Map) and 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-20a) and Multiple-Family Residential (RM-1) to Multiple-Family Residential (RM-10) and Agricultural (A-20a) at Kalalau, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-8: Portion of 22 and 2-6-9: Portion of 8 (Parcel "A" approx. 20,084 square feet; and Parcel "B" approx. 1,771). {Johanna Leaird and Kamehameha Schools, Applicant. Draft 3 corrects language within Condition L to make it consistent with a previous amendment.}

Re: Comm. 243.2
Intr. by: Mr. Hoffmann and Mr. Pilago
1st Reading: June 1, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 105: 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 Previous Year (\$700,000); appropriates same to Transfer to Housing Fund. Funds would supplement the Housing Assistance Payment program revenues for administrative costs.};

Re: Comm. 270
Intr. by: Ms. Isbell (B/R)
1st Reading: June 1, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 109: Amends Chapter 11 of the Hawai'i County Code 1983 (1995 Edition), as Amended, Relating to Affordable Housing by Amending Sections 11-3(3), 11-4(a)(2), 11-15(e) and Section 11-5(c).

Re: Comm. 72.25
Intr. by: Mr. Hoffmann
1st Reading: June 1, 2005

POSTPONED TO JULY 7, 2005, COUNCIL MEETING

Bill 110: 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 (\$50,000); appropriates same to Occupant Protection Program. Funds would be used to reduce the fatalities and injuries to front and rear seat occupants aged 17 and under, of motor vehicle collisions by increasing the usage rate of seat belts to 97%.}

Re: Comm. 282
 Intr. by: Ms. Isbell
 1st Reading: June 1, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 111: 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 PARKS AND RECREATION: Pu'u Nui Park (Waikoloa Skateboard Park) (\$30,860); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$30,860).}

Re: Comm. 291
 Intr. by: Mr. Hoffmann
 1st Reading: June 1, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 112
 (Draft 2): 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 PARKS & RECREATION: Lincoln Park Improvements (\$10,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$10,000). (Draft 2 amendments are technical rather than substantive corrections.) Funds would be used for the construction of a new pavilion for Lincoln Park. }

Re: Comm. 295.1
 Intr. by: Mr. Higa
 1st Reading: June 1, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

REPORTS

REFERRALS FOR EXECUTIVE SESSION

(The purpose of the meeting is to consult with Corporation Counsel relating to matters involving potential County liability, as authorized by Sections 92-4 and 92-5, HRS. Note: 2/3 Vote – Pursuant to §92-4, HRS, and Rule 12 of Rules of Procedure of the County Council.)

OTHER BUSINESS

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

ANNOUNCEMENTS

<p>ENVIRONMENTAL MANAGEMENT COMMITTEE SPECIAL MEETING RE SOLID WASTE MANAGEMENT TECHNOLOGIES</p>	<p>WEDNESDAY, JUNE 29, 2005 9:00 a.m.</p>	<p>COUNCIL ROOM</p>
<p>COMMITTEES</p>	<p><u>WEDNESDAY, JULY 6, 2005</u> TBA</p>	<p>COUNCIL ROOM</p>
<p>COUNCIL</p>	<p><u>THURSDAY, JULY 7, 2005</u> 9:00 a.m.</p>	<p>COUNCIL ROOM</p>
<p>COMMITTEES</p>	<p><u>THURSDAY, JULY 21, 2005</u> TBA</p>	<p>COUNCIL ROOM</p>
<p>COUNCIL</p>	<p><u>FRIDAY, JULY 22, 2005</u> 9:00 a.m.</p>	<p>COUNCIL ROOM</p>

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 12:31 p.m.

Note: B/R, as listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” and on behalf of the requesting party; however, it does not necessarily signify their support of or opposition to the proposal.)

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by June 13, 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.

Submitting Testimony: Those persons wishing to testify in person must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting should bring **sixteen (16)** copies of the testimony for distribution at the meeting. Those persons unable to testify in person 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, June 22, 2005, at 6 p.m.; Sunday, June 26, 2005, at 10:30 a.m.; and Wednesday, June 29, 2005, at 6 p.m.

(Hawai'i Tribune Herald – June 12, 2005)
(West Hawai'i Today – June 12, 2005)