

STACY K. HIGA
Chair & Presiding Officer

VIRGINIA ISBELL
Vice Chair



JAMES Y. ARAKAKI
PETE HOFFMANN
FRED C. HOLSCHUH, M.D.
DONALD IKEDA
BOB JACOBSON
K. ANGEL PILAGO
GARY SAFARIK

COUNTY COUNCIL

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

17th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Friday, July 22, 2005
9:00 a.m.

INVOCATION Pastor Richard Uejo of KMC Chapel and Heritage Fellowship

CALL TO ORDER **9:11 a.m.**

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES June 1, 2005 - **POSTPONED**

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

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

9:30 A.M.: STATEMENTS FROM THE PUBLIC ON COMM. 195.1 AND ORDER OF RESOLUTIONS

Comm. 195.1: NOMINATES COUNCIL MEMBER STACY HIGA AS ALTERNATE TO THE HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) EXECUTIVE COMMITTEE

From K. Angel Pilago, dated July 11, 2005, recommending the approval of the above nomination.

Waived: PWIRC

APPROVED

ORDER OF RESOLUTIONS

Res. 117-05: Approves the Cost Adjustments Authorized by the Appropriate Authority for Excluded Managerial Employees of the County of Hawai'i. {Funds would cover pay adjustments for the period from July 1, 2005, through June 30, 2007, which are across-the-board increases, within range progressions, and bureau opportunity benefit incentives.}

Re: Comm. 314
Intr. by: Ms. Isbell
Approve: FC-113

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 120-05: Appoints Members of the Committee on Public Safety and Parks and Recreation and Designates the Chair and Vice Chair Thereof.

Re: Comm. 321
Intr. by: Mr. Higa
Waived: PSPRC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 130-05: Authorizes the Mayor of the County of Hawai'i to Amend the Program Description to the State's Housing and Community Development Corporation of Hawai'i for the HOME Investment Partnerships Program.

Re: Comm. 351
 Intr. by: Mr. Hoffmann
 Approve: CHA - July 7, 2005

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 135-05: 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 towards the Third Annual International Children's Art Festival.}

Re: Comm. 364
 Intr. by: Mr. Jacobson
 Waived: FC

AMENDED TO DRAFT 2 & ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 136-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$145,536 out and from Clerk-Council Services – Contingency Relief account; credits same to Fire Protection Salaries and Wages. Requests funding be transferred from the Contingency Relief account into the Fire Department's budget in order to continue with their aggressive recruitment and hiring program.}

Re: Comm. 353
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

9:45 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 23
(Draft 2): Amends Chapter 14, Hawai'i County Code 1983 (1995 Edition), by Adding a New Article to Provide Enhanced Public Notice of Proposed Development. {Requires developers to post signs notifying the public of proposed development of property.};

Re: Comm. 70.7
Intr. by: Mr. Jacobson
Approve: PC-10
Postponed: July 7, 2005

FILED

and

Comm. 70.9: From Mayor Harry Kim, dated June 8, 2005, transmitting the Planning Commission's favorable recommendation and comments regarding Bill 23, Draft 2.

Bill 113: Amends the State Land Use Boundaries Map for the County of Hawai'i by Changing the District Classification from the Agricultural to the Rural District at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-9:26 (approx. 5.312 acres). {Tooman Family Trust; Marc R. Rice Revocable Living Trust; Patricia P. Rice Revocable Living Trust, Applicant. }

Re: Comm. 308
Intr. by: Mr. Hoffmann and Mr. Pilago
Approve: PC-29

PASSED 1ST READING:

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

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

Bill 114: Amends Section 25-8-7 (North and South Kohala District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-9:26 (approx. 5.312 acres). {Tooman Family Trust; Marc R. Rice Revocable Living Trust; Patricia P. Rice Revocable Living Trust, Applicant. }

Re: Comm. 308
Intr. by: Mr. Hoffmann and Mr. Pilago
Approve: PC-30

PASSED 1ST READING:

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

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

Bill 117: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases revenues in Federal – HOME Program (\$500,000); appropriates to the following: 2020 Kino'ole Senior Residences (\$463,500) and Office of Housing and Community Development Administration (\$36,500), for a total of \$500,000.}

Re: Comm. 352
 Intr. by: Mr. Hoffmann
 Approve: CHA – July 7, 2005

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

10:30 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 29: Amends the State Land Use Boundaries Map, H-7 and H-8 for the County of Hawai'i, by Changing the District Classification from the Agricultural to the Urban District at Puapua'aiki 1st and Puapua'anui 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-5-017:019 (approx. 14.872 acres). {Suffolk Investment, LLC, Applicant.}

Re: Comm. 106
 Intr. by: Mr. Pilago and Mr. Hoffmann
 1st Reading: July 7, 2005

PASSED 2ND & FINAL READING:

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

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

Bill 30
(Draft 3): 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 Multiple Family Residential (RM-2.5) at Puapua'aiki 1st and Puapua'anui 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-5-17:19 (approx. 14.872 acres). {Suffolk Investment, LLC, Applicant.}

Re: Comm. 106.71
Intr. by: Mr. Hoffmann and Mr. Pilago
1st Reading: July 7, 2005

PASSED 2ND & FINAL READING:

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

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

Bill 31: Amends the State Land Use Boundaries Map, H-7 and H-8 for the County of Hawai'i, by Changing the District Classification from the Agricultural to the Urban District at Puapua'aiki 1st and Puapua'anui 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-5-17:1 (approx. 14.973 acres). {Puaa Development, LLC, Applicant.}

Re: Comm. 107
Intr. by: Mr. Pilago and Mr. Hoffmann
1st Reading: July 7, 2005

PASSED 2ND & FINAL READING:

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

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

Bill 32
(Draft 3): 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 Neighborhood Commercial (CN-20) at Puapua'aiki 1st and Puapua'anui 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-5-17:1 (approx. 14.973 acres). {Puaa Development, LLC, Applicant.}

Re: Comm. 107.3
Intr. by: Mr. Hoffmann and Mr. Pilago
1st Reading: July 7, 2005

PASSED 2ND & FINAL READING:

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

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

Bill 115: Amends Chapter 2, Article 6, Section 2-16.1 of the Hawai'i County Code 1983 (June 2005 Edition), Administration, Relating to the Establishment of Volunteer Fire Stations. {Establishes the Ainaloa Volunteer Fire Station.}

Re: Comm. 333
 Intr. by: Mr. Safarik
 1st Reading: July 7, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 116: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {ADDS PARKS AND RECREATION: Honl's Beach Property Acquisition (\$3,100,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$3,100,000). Acquisition of this property would preserve valuable, scenic, oceanfront open space for public benefit as public beach recreational opportunities in North Kona, especially along Ali'i Drive, are limited.};

Re: Comm. 335
 Intr. by: Ms. Isbell
 1st Reading: July 7, 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, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 335.15: From Lynn Beittel, dated July 11, 2005; *and*
 Comm. 335.16: From Gordana Leonard, dated July 11, 2005; *and*
 Comm. 335.17: From Mary and Jim Rees, dated July 11, 2005; *and*
 Comm. 335.18: From John Porter, dated July 11, 2005; *and*
 Comm. 335.19: From Libby Tao Kelson-Fulcher, Reverend, Weddings A La Heart, dated July 10, 2005; *and*
 Comm. 335.20: From Ardeth L. Weed, dated July 10, 2005; *and*
 Comm. 335.21: From Anita Anderson, dated July 11, 2005; *and*
 Comm. 335.22: From Kathleen McMillen, dated July 11, 2005; *and*
 Comm. 335.23: From Joan and Paul Waller, dated July 11, 2005.
 Comm. 335.24: From William Buckley, dated July 11, 2005; *and*
 Comm. 335.25: From Paul and Arley Howard, dated July 11, 2005; *and*
 Comm. 335.28: From Edward J. Rapoza, President, Island Land Company, Inc.

REPORTS

- FC-111
(Comm. 290): Recommends acceptance of the post-audit *Financial Audit Report of the County of Hawai'i for the Fiscal Year Ended June 30, 2004*, as prepared by KPMG LLP.
APPROVED
- FC-112
(Comm. 313): Recommends the acceptance of monetary donations totaling \$130 to the Parks and Recreation Department, which would be used as follows: 1) programs at the Panaewa Rainforest Zoo, donated by Bay Area Horticultural Society (\$100); and 2) cemetery maintenance and improvements for the West Hawai'i Veterans Cemetery, donated by Mrs. Lorraine Thompson (\$30).
APPROVED
- PWIRC-15
(Comm. 318): Recommends approval of the nominations of Ms. Kate Ahia (Council District 2) and Mr. Michael Sumja (Council District 9) to the Transportation Commission.
APPROVED
- EMC-7
(Comm. 319): Recommends approval of the nomination of Ms. Diana Miller (Council District 6) to the Environmental Management 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. 341: CHARLES K. MAKANUI, SR., ET AL. V. COUNTY OF HAWAI'I, ET AL.;
CIVIL NO. 02-1-0379
From Deputy Corporation Counsel Joseph K. Kamelamela, dated July 5, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL
- Comm. 342: CLAIM AGAINST THE COUNTY/FIRST INSURANCE RE: LYNN E. MUROTA
From Deputy Corporation Counsel Joseph K. Kamelamela, dated July 1, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL
- Comm. 350: CLAIM AGAINST THE COUNTY/DTRIC INSURANCE RE: MITZI NAKANO
From Deputy Corporation Counsel Joseph K. Kamelamela, dated July 7, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL
- Comm. 360: CLAIM AGAINST THE COUNTY/THE HARTFORD
From Deputy Corporation Counsel Joseph K. Kamelamela, dated July 11, 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>TUESDAY, AUGUST 2, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, AUGUST 3, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, AUGUST 16, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, AUGUST 17, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 3:03 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 July 20, 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 **sixteen (16)** 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) Thursday, July 28, 2005, at 6 p.m.; Sunday, July 31, 2005, at 10:30 a.m.; and Thursday, August 4, 2005, at 6 p.m.