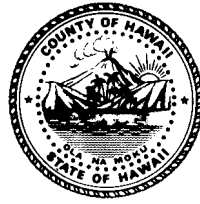


STACY K. HIGA
Chair & Presiding Officer

VIRGINIA ISBELL
Vice Chair



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

COUNTY COUNCIL

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

18th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, August 3, 2005
9:00 a.m.

INVOCATION Reverend Brian Welsh of Haili Church

CALL TO ORDER **9:03 a.m.**

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES June 1, 2005 (Postponed: July 22, 2005) – **APPROVED AS AMENDED**

(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 ORDER OF RESOLUTIONS

ORDER OF RESOLUTIONS

Res. 128-05: Authorizes the County of Hawai'i to Enter Into Multi-Year Contracts (3 Years) for Electronic Legal Research for the Office of the Corporation Counsel for the Fiscal Year 2005-2006 Through Fiscal Year 2007-2008.

Re: Comm. 345
Intr. by: Ms. Isbell
Approve: FC-114

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 129-05: Authorizes the Acceptance of a Donation of a Pool Table for the Department of Parks and Recreation. {Donated by the Rotary Club of Kona Mauka for the seniors of the Yano Senior Center, with an estimated total value of \$2,500.}

Re: Comm. 349
Intr. by: Ms. Isbell
Approve: FC-116

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 131-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$6,000 out and from Police Special Duty – Other Current Expense; credits same to Police Special Duty – Equipment. Funds would be used to purchase computer equipment for two Special Duty clerks as their current ones are outdated and inefficient.}

Re: Comm. 354
Intr. by: Ms. Isbell
Approve: FC-117

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: None.

Res. 132-05: Authorizes the Acceptance of Five Thousand Dollars (\$5,000) from the Hawai'i Community Foundation for the Na Leo O Na 'Opio Youth Action Summit. {Funds would be used to support activities planned at the Office of the Prosecuting Attorney's Na Leo O Na 'Opio Youth Action Summit, which is held each year where students from high schools throughout the island learn leadership and team building skills.}

Re: Comm. 355
 Intr. by: Ms. Isbell
 Approve: FC-118

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

Res. 133-05: 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 Geothermal Outreach Grant. {Funds would be used to conduct a feasibility study for viable commercial geothermal direct use enterprises in the Kapoho region of Puna and to coordinate community education and outreach programs to disseminate geothermal direct use information and to gather input and comments pertinent to the feasibility study.}

Re: Comm. 356
 Intr. by: Ms. Isbell
 Approve: FC-120

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

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 69: Amends Chapter 9 of the Hawai'i County Code, Relating to Electricity. {The purpose of this bill is to adopt amendments to Chapter 9, Electrical Code, to address local conditions or situations. There is no increase in electrical permit fees. Significant changes to the amendments are: permits will not be required for replacing receptacles, switches and light fixtures, however, the work must still be performed by a licensed electrician; and drawings showing circuiting, light fixtures and switches for a single family dwelling will not be required for a single family dwelling, and any required permit must still be applied for by a licensed electrician.};

Re: Comm. 185
Intr. by: Mr. Ikeda
Approve: PWIRC-5

FILED

and

Comm. 185.1: From Public Works and Intergovernmental Relations Committee Chair Donald Ikeda, dated July 26, 2005, stating his intent to file Bill 69 (Electrical Code) and subsequent Bill 70 (Plumbing Code) and Bill 71, Draft 2 (Building Code). States that in light of flaws contained in these bills (i.e., formatting, inconsistent numbering, unclear language, etc.), the introduction of new bills are necessary and will be transmitted to the Public Works and Intergovernmental Relations Committee.

Bill 70: Amends Chapter 17 of the Hawai'i County Code, Relating to Plumbing. {The purpose of this bill is to repeal Chapter 17, Plumbing Code, in its entirety by adopting amendments to address local conditions and situations. There is no increase in plumbing permit fees. Significant changes to the amendments are: permits will not be required for replacement or repair of garbage disposals, faucets and fixtures, to include sinks, water closets and heaters for non-commercial occupancies only, however, the work must still be performed by a licensed plumber; and permits will be required when such repairs do involve or require the replacement or rearrangement of valves or pipes, and any required permit must still be applied for by a licensed plumber.}

Re: Comm. 186
Intr. by: Mr. Ikeda
Approve: PWIRC-6

FILED

Bill 71
(Draft 2):

Amends Chapter 5, Article 1 of the Hawai'i County Code, Relating to Building. {The purpose of this bill is to repeal Chapter 5, Article 1, Building Code, in its entirety by adopting amendments to address local conditions and situations. Significant changes to the amendments are: building permit fees have been reduced for buildings under 1,400 square feet, while for buildings larger than this, the fees remain the same; a building permit will not be required for a one detached single-story non-residential use type building per property, and the building cannot exceed 120 square feet of floor area and must have a height, when measured from the ground, of 12'-0" or less; Package Model Homes may be pre-approved by the Department of Public Works, Building Division; increase the valuation of work from \$1,000 to \$4,000 that would require a building permit; and reduce retaining wall height from 6'0" to 4'-0" that would require a building permit and an engineer's stamp.}

Re: Comm. 187.1
Intr. by: Mr. Ikeda
Approve: PWIRC-14

FILED

Bill 118:

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 Contribution from Private Source (\$5,000); appropriates same to Youth Summit – Private.}

Re: Comm. 355
Intr. by: Ms. Isbell
Approve: FC-119

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 119:

Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Appropriates revenues in Federal Grants – Geothermal Outreach (\$95,602); appropriates same to Geothermal Outreach.}

Re: Comm. 356
Intr. by: Ms. Isbell
Approve: FC-121

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 120: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. { Appropriates revenues in State Grants – Disabled Parking (\$18,420); appropriates same to Disabled Parking – State. Funds would be used towards the County's Disabled Persons Parking Placard Program. }

Re: Comm. 357
Intr. by: Ms. Isbell
Approve: FC-122

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 128: Amends Ordinance No. 03-49 of the County of Hawai'i Adopted on March 25, 2003, as Amended by Ordinance No. 03-125 Adopted on August 27, 2003, as Amended by Ordinance No. 04-51 Adopted on May 19, 2004, Relating to the Issuance of \$36,312,650 in General Obligation Bonds. { Amends the 2003 A General Obligation Bond to include references to the new Capital Improvement Program (CIP) Project, Honl's Beach Property Acquisition and to Ordinance No. 05-87, the CIP Budget for fiscal year 2005-2006. }

Re: Comm. 378
Intr. by: Ms. Isbell
Waived: FC

AMENDED TO DRAFT 2 & PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 129: Amends Ordinance No. 99-41 of the County of Hawai'i Adopted on April 12, 1999, as Amended by Ordinance No. 00-56 Adopted on May 17, 2000, as Amended by Ordinance No. 04-61 Adopted on May 27, 2004, as Amended by Ordinance No. 05-43 Adopted on April 18, 2005, Relating to the Issuance of \$30,000,000 in General Obligation Bonds for the Purpose of Financing Various Public Improvements for the County of Hawai'i. {Amends the 1999A General Obligation Bond to allow the use of remaining 1999A bond funds for capital improvement projects appropriated during FY 2005-06. Possible funding for the purchase of the Honl's Beach Park Property may come from these two bond issuances (Bill 129 and subsequent Bill 130).};

Re: Comm. 379
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

and

Bill 130: Amends Ordinance No. 01-33 of the County of Hawai'i, Adopted on March 9, 2001, as Amended by Ordinance No. 01-72 Adopted on August 24, 2001, Relating to the Issuance of \$7,000,000 in General Obligation Bonds. {Amends the 2001A General Obligation Bond to also allow the use of remaining 2001A bond funds for capital improvements projects appropriated during FY2005-06 as well as for past fiscal years' CIP budget ordinances from FY2002-03 through FY2004-05.}

Re: Comm. 379
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

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 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
 1st Reading: July 22, 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 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
 1st Reading: July 22, 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 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
 1st Reading: July 22, 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.

ADJOURNMENT 11:39 a.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 August 1, 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 and the Pāhoa Neighborhood Facility 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, and the Pāhoa Neighborhood Facility 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, August 10, 2005, at 6 p.m.; Sunday, August 14, 2005, at 10:30 a.m.; and Wednesday, August 17, 2005, at 6 p.m.

(Hawai'i Tribune Herald – July 31, 2005)

(West Hawai'i Today – July 31, 2005)