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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*

22nd Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, October 5, 2005
9:00 a.m.

INVOCATION

Reverend Larry Walter of First United Protestant Church

CALL TO ORDER

9:06 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

July 22 and August 3, 2005 – APPROVED AS AMENDED

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

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

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

Comm. 452: 2006 HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) LEGISLATIVE PACKAGE

From HSAC Vice President K. Angel Pilago, dated September 19, 2005, requesting that any legislative proposals received for the 2006 HSAC Legislative Package be waived from the Public Works and Intergovernmental Relations Committee and be considered at the Council's October 5, 2005, meeting.

Waived: PWIRC

APPROVED, AS AMENDED

Comm. 455: ESTABLISHMENT OF AN EVALUATION WORKING GROUP TO ASSESS THE LEADERSHIP, SCOPE, RESPONSIBILITIES, AND EFFICIENCY OF THE COUNCIL COMMITTEES

From Council Chair Stacy K. Higa, dated September 23, 2005, at the request of some Members, recommending that an evaluation working group be established to examine areas of concern and reporting findings and recommendations to the Council on the leadership, scope, responsibilities, and efficiency of Council Committees.

Waived: FC

APPROVED (Working Group Members are: Mr. Arakaki, Mr. Holschuh, Mr. Ikeda, and Ms. Isbell)

9:15 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF RESOLUTIONS

ORDER OF RESOLUTIONS

Res. 163-05: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (5 years) of a Copier for the Hawai'i County Police Department. {The South Kohala Police Station's lease has expired and is leasing its current copier on a month-to-month basis.}

Re: Comm. 429

Intr. by: Ms. Isbell

Approve: FC-150

ADOPTED:

AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

Res. 164-05: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (5 years) of a Copier for the Office of the Corporation Counsel. {Replacement parts for the Kona Family Support Division's current copier would no longer be available because it's considered outdated and leasing a newer, more technically advanced copier would increase staff productivity.}

Re: Comm. 430

Intr. by: Ms. Isbell

Approve: FC-151

ADOPTED:

AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

Res. 165-05: Creates Three Police Radio Dispatcher III (Temporary) Positions for the Hawai'i County Police Department. {These positions for the Communications Dispatch Section would allow the Department to temporarily compensate employees who take on the added responsibility of providing training and close supervision to entry level dispatchers as well as provide refresher training for newly hired Radio Dispatcher II positions or remedial training as needed.}

Re: Comm. 431

Intr. by: Ms. Isbell

Approve: FC-152

ADOPTED:

AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

Res. 166-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$5,779.35 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Department of Parks and Recreation, Recreation Division (Miscellaneous Equipment). Discretionary funds would be used to purchase three new basketball hoop systems for Waimea Park, to be installed by the Parks and Recreation Department.}

Re: Comm. 433

Intr. by: Mr. Hoffmann

Approve: FC-154

ADOPTED:

AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

Res. 167-05: Supports Complete and Permanent Protection of the Northwestern Hawaiian Islands Ecosystem. {Includes, among other means, the establishment of a National Marine Refuge and prohibition of all extractive uses in the proposed federal refuge.}

Re: Comm. 442
 Intr. by: Mr. Jacobson
 Waived: EMC

AMENDED TO DRAFT 2 & ADOPTED:

AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

Res. 174-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Hawai'i County Resource Center. Discretionary funds would be used for a "Facilitating Extraordinary Accomplishments in Hawai'i Youth (FEAHY) Workshop" to be conducted by Positive Coaching Alliance (PCA) Big Island on October 7, 2005.}

Re: Comm. 456
 Intr. by: Mr. Holschuh
 Waived: FC

ADOPTED:

AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

Res. 175-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$37,500 out and from Clerk-Council Services – Contingency Relief account; credits to Department of Parks and Recreation Pana'ewa Zoo Other Current Expense (\$25,000), Department of Public Works Transfer to Highway Fund (\$12,000), and Department of Research and Development Hawai'i County Resource Center (\$500), for a total of \$37,500. Discretionary funds would be used to purchase five standard shade systems for the Pana'ewa Zoo, install streetlights in the Kea'au Agricultural Lots Subdivision, and support the Positive Coaching Alliance Big Island to educate youth activity leaders and enable them to develop positive character traits in our children.}

Re: Comm. 457
 Intr. by: Mr. Arakaki
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Res. 176-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Hawai'i County Resource Center. Discretionary funds would be used for a "Facilitating Extraordinary Accomplishments in Hawai'i Youth (FEAHY) Workshop" to be conducted by Positive Coaching Alliance (PCA) Big Island on October 7, 2005. }

Re: Comm. 458
 Intr. by: Mr. Higa
 Waived: FC

ADOPTED:
AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.
NOES: None.
ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

Res. 177-05: Declares October 16, 2005, as National Feral Cat Day In and For the County of Hawai'i. {Supports educating communities about Trap-Neuter-Return (TNR) for reducing stray and feral cat populations. }

Re: Comm. 459
 Intr. by: Mr. Jacobson
 Waived: PSPRC

ADOPTED:
AYES: Council Members Holschuh, Ikeda, Isbell, Jacobson, Safarik, and Chair Higa – 6.
NOES: None.
ABSENT & EXCUSED: Council Members Arakaki, Hoffmann, and Pilago – 3.

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 149: 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 Parking Meter Receipts (\$9,000) and Fund Balance from Previous Year (\$11,000), for a total of \$20,000; appropriates \$20,000 to Parking Meter Equipment. Funds would be used to purchase new ADA accessible parking meters to replace existing parking meters located at the Federal Building in Downtown Hilo and at the parking lot at the County Building.}

Re: Comm. 432

Intr. by: Ms. Isbell

Approve: FC-153

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

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 136: Amends Chapter 2, Article 6, Section 2-16.1 of the Hawai'i County Code 1983 (June 2005 Edition), Relating to the Establishment of Volunteer Fire Stations. {Establishes the Pu'uana'hulu Volunteer Fire Station and amends the name of the North Kohala volunteer fire station.}

Re: Comm. 397

Intr. by: Mr. Safarik

1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 137: Amends Chapter 20, Article 4, Section 20-46, Hawai'i County Code 1983 (2005 Edition), Relating to Solid Waste Fees. {Replaces language inadvertently deleted from Section 20-46, relating to credits to commercial haulers of residential waste and an analysis of past and projected expenses in the Solid Waste Division.}

Re: Comm. 398

Intr. by: Ms. Isbell

1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 138: Amends Chapter 22, Hawai'i County Code 1983 (2005 Edition), by Repealing Article 3, Division 2 - Relating to Banner Permits, and Repealing Sections 22-1.2(1) Defining "Banner" and 22-3.1(a) Defining "Banner Permits." {Deletes banner permit provisions and associated references found in Chapter 22, which are no longer needed, to avoid duplication and confusion.}

Re: Comm. 400
 Intr. by: Mr. Ikeda
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 139
 (Draft 3): 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 Single Family Residential (RS-10) to Neighborhood Commercial (CN-10) at Waiākea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-027:042 (approx. 19,500 square feet). {Timothy DeLozier, Applicant.}

Re: Comm. 408.2
 Intr. by: Mr. Higa
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 140
 (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 Single Family Residential (RS-15) to Single Family Residential (RS-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-4-9:26 (approx. 27,224 square feet). {Craig and April Nakagawa, Applicant.}

Re: Comm. 409.1
 Intr. by: Mr. Hoffmann and Mr. Pilago
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 141: 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 Single Family Residential (RS-10) to Limited Industrial (ML-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-35:9 & 10 (approx. 45,800 square feet). {Howard DeLima, Jr., and Napua DeLima, Applicant.}

Re: Comm. 410
 Intr. by: Mr. Hoffmann and Mr. Pilago
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 142: 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 (\$1,000); appropriates same to Hawai'i Island Police Activities League – Other Current Expense.}

Re: Comm. 414
 Intr. by: Ms. Isbell
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 143: 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 Grant – Kealakekua Bay Road Paving (\$24,000); appropriates same to Kealakekua Bay Road Paving – State.}

Re: Comm. 415
 Intr. by: Ms. Isbell
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann and Pilago – 2.

Bill 144: 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 (\$2,400); appropriates same to Kona Police – Other Current Expense.}

Re: Comm. 416
 Intr. by: Ms. Isbell
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell, Jacobson, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann, Pilago, and Safarik – 3.

Bill 150: 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 Grant – Native Hawaiian Housing Block Grant (\$50,000); appropriates same to Native Hawaiian Housing Block Grant.}

Re: Comm. 435
 Intr. by: Mr. Hoffmann
 1st Reading: September 21, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell, Jacobson, and Chair Higa – 6.

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann, Pilago, and Safarik – 3.

REPORTS

FC-148
 (Comm. 427): Recommends approval of the nominations of the following individuals to the Public Access, Open Space, and Natural Resource Preservation Commission: Kenneth M. Kaneshiro (Council District 1), Laura C. Schuster (Council District 2), Ruth Walker (Council District 3), Benedict A. L. Yung (Council District 4), Paul H. Campbell (Council District 5), John R. Replogle (Council District 6), Jocelyn Garovoy (Council District 7), Hannah K. Springer (Council District 8), and E. Kalani Flores (Council District 9); *and*

Comm. 427.5: From Corporation Counsel Lincoln S. T. Ashida, dated September 20, 2005.

APPROVED

FC-149
 (Comm. 428): Recommends acceptance of a donation of two weed eaters (estimated value of \$875), donated by Ms. Margaret Bazin, to the Department of Parks and Recreation, to be used by Parks Maintenance employees to maintain gravesites and boundaries at 'Alae Cemetery.

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. 449: CLAIM AGAINST THE COUNTY/STATE FARM INSURANCE RE: KAPRI FUJIWARA
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated September 21, 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, OCTOBER 17, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>TUESDAY, OCTOBER 18, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, NOVEMBER 8, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, NOVEMBER 9, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

ADJOURNMENT 2:17 p.m.

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

The meeting place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by October 3, 2005. Persons using TDDs may call 961-8521.

Copies of an item listed on the agenda 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; at the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740; and at the Waimea Council Members' Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea, Hawai'i 96743.

Videoconferencing is available at the following locations:

- Kona Council Office at the Kailua Trade Center; and
- Waimea Council Office at the Holomua Center.

If, for technical reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

- Videoconferencing from the Pāhoa Neighborhood Facility will not be available.

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 Kona Council Office and the Waimea Council Office 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, October 12, 2005, at 6 p.m.; Sunday, October 16, 2005, at 10:30 a.m.; and Wednesday, October 19, 2005, at 6 p.m.

(Hawai'i Tribune Herald – October 2, 2005)

(West Hawai'i Today – October 2, 2005)