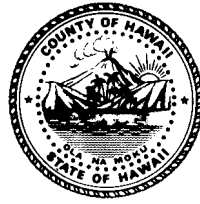


STACY K. HIGA
Chair & Presiding Officer

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*

41st Session

ORDER OF BUSINESS

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

Wednesday, July 19, 2006
9:00 a.m.

INVOCATION

Pastor Monty Stewart of Kona Church of the Nazarene

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(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, CERTIFICATES OF MERIT, EXPRESSIONS OF CONDOLENCE, AND COMMUNICATIONS

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

Comm. 967: DONATION OF A BOOK ENTITLED, "THE NEW WORLD OF POLICE ACCOUNTABILITY"
From Corporation Counsel Lincoln S. T. Ashida, dated June 26, 2006, requesting approval for the acceptance of a donation of a book entitled, "The New World of Police Accountability", from Mr. Paul M. de Silva with an estimated value of \$68.

Waived: FC

Comm. 981: NOMINATION OF EDWARD LEE (COUNCIL DISTRICT 2) TO THE VETERANS ADVISORY COMMITTEE
From Mayor Harry Kim, dated June 27, 2006, recommending approval of the above nomination.

Waived: PSPRC

Comm. 982: NOMINATION OF ROBERT WELTER (COUNCIL DISTRICT 6) TO THE VETERANS ADVISORY COMMITTEE
From Mayor Harry Kim, dated June 27, 2006, recommending approval of the above nomination.

Waived: PSPRC

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

ORDER OF RESOLUTIONS

Res. 381-06 (Draft 3): Postpones Council Action on Rezoning Applications in the Districts of North and South Kona Until the North and South Kona Community Development Plan is Adopted by Ordinance. {Believes that rezonings in North and South Kona should not occur during the critical community development planning process until all fact-finding public input and community-based vision for future long-term growth of North and South Kona is finalized.}

Re: Comm. 927.28
Intr. by: Mr. Pilago
Approve: PC-93

;and

Comm. 927.27: From Planning Director Christopher J. Yuen, dated June 16, 2006, providing information on the current Kona Community Development Plan Schedule; *and*
(Comm. 927.29/Res. 381-06, Draft 4, continues on the next page.)

Comm. 927.29: From Council Member K. Angel Pilago, dated July 3, 2006, transmitting Resolution 381-06, Draft 4. Draft 4 amendments relate to the following: 1) amends the title; 2) replaces references to the "postponement" of Council action on rezoning applications to "temporary delay"; 3) adds language relating to the Department of Hawaiian Home Lands Memorandum of Agreement and projects benefiting the public's health, safety, and welfare; and 4) makes other nonsubstantive changes
;and

Res. 381-06 (Draft 4): Temporarily Delays Council Action on Rezoning Applications in the Districts of North and South Kona Until the North and South Kona Community Development Plan is Adopted by Ordinance, or Until January 1, 2007, Whichever Shall Occur First.

Intr. by: Mr. Pilago

Res. 382-06: Directs the Clerk of the County of Hawai'i to Take Necessary Action to Place the Charter Amendment Proposed by Ordinance No. 06-84 on the 2006 General Election Ballot. {Ordinance 06-84 raises the low threshold of registered voters required to bring charges for impeachment against an elected officer or officer appointed to a vacancy in any elected office, and provides that only those voters registered in the council district of a respective council member may bring charges to the circuit court when impeaching such district council member.}

Re: Comm. 930
Intr. by: Ms. Isbell
Approve: FC-309

Res. 401-06: Authorizes the Department of Environmental Management to Continue an Amnesty Program Regarding Derelict Vehicle Recycling and Disposal from Private Property. {Requests that the program, which was initially instituted for the Fiscal Year 2005-2006, be continued through Fiscal Year 2006-2007.}

Re: Comm. 949
Intr. by: Mr. Safarik
Approve: EMC-11

;and

Comm. 949.1: From Council Member Bob Jacobson, dated July 7, 2006, transmitting Resolution 401-06, Draft 2. Draft 2 extends the program for an additional year from Fiscal Year 2006 through 2008

;and

Res. 401-06 (Draft 2): Authorizes the Department of Environmental Management to Continue an Amnesty Program Regarding Derelict Vehicle Recycling and Disposal from Private Property.

Intr. by: Mr. Jacobson

Res. 402-06: Amends Resolution No. 99-05, Rules of Procedure and Organization of the Council of the County of Hawai'i, Relating to Meetings. {Provides that the Council shall hold regular meetings in East Hawai'i on odd-numbered months and regular meetings in West Hawai'i on even-numbered months.}

Re: Comm. 959
Intr. by: Mr. Pilago
Approve: FC-312

Res. 405-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/Appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Culture and Arts Other Current Expense (Contracts – 4th of July “Blast 2006”).
{Discretionary Funds from District 4 would be used towards expenses for the 4th of July “Blast 2006”.}

Re: Comm. 970
Intr. by: Mr. Higa
Waived: FC

Res. 406-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designate Fund Account(s).
{Transfers/Appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Culture and Arts Other Current Expense (Contracts – 4th of July “Blast 2006”).
{Discretionary Funds from District 3 would be used towards expenses for the 4th of July “Blast 2006”.}

Re: Comm. 971
Intr. by: Mr. Arakaki
Waived: FC

Res. 411-06: Opposes Use of Tactical Mid-Frequency Active Sonar in the Conduct of the 2006 Rim of the Pacific (RIMPAC) Anti-Submarine Warfare Exercises in the Hawaiian Islands.

Re: Comm. 983
Intr. by: Mr. Safarik
Waived: EMC

Res. 412-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designate Fund Account(s).
 {Transfers/Appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Culture and Arts Other Current Expense (Contracts – 4th of July “Blast 2006”).
 {Discretionary Funds from District 2 would be used towards expenses for the 4th of July “Blast 2006”.}

Re: Comm. 984
 Intr. by: Mr. Ikeda
 Waived: FC

Res. 410-06: Determines the Sufficiency of the Petition (Original and Supplementary) Filed by the Save Our Land Citizens' Committee on May 17, June 16, and June 19, 2006, Proposing to Amend Chapter 2, Article 42, Hawai'i County Code Relating to Public Access, Open Space, and Natural Resources Preservation Fund. {The Hawai'i County Charter allows the County Council to make its own determination of sufficiency after receiving the Clerk's determination, therefore, submits this resolution recognizing the efforts of the Save Our Land Citizens' Committee and moving the discussion forward.}

Re: Comm. 965.3
 Intr. by: Mr. Higa
 Waived: FC

;and

Comm. 965.1: From County Clerk Constance R. Kiriū, dated July 1, 2006, transmitting an Amended Certificate of Insufficiency, dated July 1, 2006, relating to the initiative petition filed by the Save Our Land Citizens' Committee on May 17, 2006, and amended by a supplementary petition filed on June 16 and 19, 2006

Waived: FC

;and

Comm. 965.4: From Ann Strong, dated July 6, 2006; *and*
 Comm. 965.5: From Steve Hiramami, dated July 6, 2006; *and*
 Comm. 965.6: From Hannah L. Hedrick, Ph.D., dated July 6, 2006; *and*
 Comm. 965.7: From Aaron Jacobs, dated July 6, 2006; *and*
 Comm. 965.8: From Lorraine Kohn, Broker, Paradise Found Realty, dated July 6, 2006; *and*
 Comm. 965.9: From Creighton M. Litton, dated July 7, 2006; *and*
 Comm. 965.10: From Steve 'Kaleopono' Norris, dated July 7, 2006; *and*
 Comm. 965.11: From Libby Kelson-Fulcher, Reverend, Weddings A La Heart, dated July 6, 2006; *and*
 Comm. 965.12: From Pamela Hicks, dated July 7, 2006; *and*
 Comm. 965.13: From Martin A. Berger, Attorney at Law, dated July 7, 2006; *and*
 Comm. 965.14: From Cory Harden, dated July 7, 2006; *and*
 Comm. 965.15: From Horace M. Clark, dated July 7, 2006; *and*
 Comm. 965.16: From Ben Everly, dated July 7, 2006; *and*
 Comm. 965.17: From Janice R. Sears, J. Sears Consulting, dated July 7, 2006; *and*
 Comm. 965.18: From Lois A. Pollock, dated July 7, 2006; *and*

(Comm. 965.19 continues on the next page.)

Comm. 965.19: From Kathy J. Rigg, dated July 7, 2006; *and*
 Comm. 965.20: From Ann N. Gleason, dated July 7, 2006.

(Note: Subsequent Bill 315, Drafts 1 and 2, relate to Resolution 410-06 and Comm. 965.1.)

10:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 315: Amends Chapter 2, Article 42, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Public Access, Open Space, and Natural Resources Preservation Fund. {From County Clerk Constance R. Kiriu, dated July 7, 2006, transmitting Bill 315. States that the voters, through a petitioners committee, may propose an ordinance by petitioning the County Council to adopt its proposed ordinance. Bill 315 requires 2 percent of Hawai'i County real property tax revenues be committed to the Public Access, Open Space, and Natural Resources Preservation Fund and deletes the \$5,000,000 cap for this fund. }

Re: Comm. 965.21
 Intr. by: Mr. Higa
 Waived: FC

;and

Comm. 965.22: From County Clerk Constance R. Kiriu, dated July 7, 2006, transmitting Bill 315, Draft 2, stating that the first draft was written exactly as the petitioners' committee circulated it to their petitioners, however, there were potential inaccuracies that have been corrected in Draft 2. Draft 2 adds a "Purpose" section which briefly summarizes the intent of the bill; reinstates Section 2-214(d) relating to the purpose of the fund; amends Section 3 by replacing the word "effect" with "affect"; and reorders and renumbers Section 2 and Section 3 to Section 3 and Section 4
;and

Bill 315
 (Draft 2): Amends Chapter 2, Article 42, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Public Access, Open Space, and Natural Resources Preservation Fund.

Intr. by: Mr. Higa

Bill 248: Amends Section 25-8-8 (Upolu Point – Kaauhuhu Homesteads Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural (A-20a) to Agricultural (A-10a) at Kealahewewa 1st, North Kohala, Hawai'i, Covered by Tax Map Key 5-5-003:010 (approx. 21.352 acres). {Bruce Eby, Applicant. }

Re: Comm. 764
 Intr. by: Mr. Pilago
 Approve: PC-98

Bill 282: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Single Family Residential – 10,000 Square Feet (RS-10) to General Commercial – 20,000 Square Feet (CG-20) at Waiakea Houselots, Hawai'i, Covered by Tax Map Key 2-2-34:66, 78, and 79 (Area: Parcel A - 22,300 square feet; Parcel B - 11,900 square feet; Parcel C - 11,250 square feet). {Big Island Candies, Inc., Applicant. }

Re: Comm. 884

Intr. by: Mr. Pilago

Approve: PC-94

Bill 296: Amends the State Land Use Boundaries Maps for the County of Hawai'i by Changing the District Classification from the Agricultural and Urban to the Rural District at Wainaku, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-032:006 (approx. 11.909 acres). {Plant-Mason Family Trust, Applicant. }

Re: Comm. 933

Intr. by: Mr. Pilago

Approve: PC-95

Bill 297
(Draft 2): Amends Section 25-8-34 (Papaikou-Onomea Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural – 20 Acres (A-20a) and Single Family Residential – 15,000 Square Feet (RS-15) to Residential and Agricultural – 1 Acre (RA-1a) at Wainaku, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-032:006 (approx. 11.909 acres). {Plant-Mason Family Trust, Applicant. }

Re: Comm. 933.1

Intr. by: Mr. Pilago

Approve: PC-96

Bill 298: Planning Director Initiated Repealing Ordinance No. 96 152 Which Amended Section 25-115 (Papaikou-Onomea Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-20a) to Single Family Residential (RS-15) at Papaa-Halepuna, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-12:Portion of 4 and 2-6-13:Portion of 7 (approx. 14.69 acres).

Re: Comm. 934

Intr. by: Mr. Pilago

Approve: PC-97

Bill 300: Amends Chapter 14 of the Hawai'i County Code 1983 (2005 Edition), as Amended, General Welfare. {Policy objectives are: 1) no alcohol in any County parks and recreation facility without a permit; 2) permit for alcohol only at a limited number of narrowly defined sites; and 3) permit for alcohol only during one time period (12 p.m. to 10 p.m.).}

Re: Comm. 936
 Intr. by: Mr. Jacobson
 Approve: PSPRC-30

;and

Comm. 936.3: From Janice Palma-Glennie, dated June 25, 2006.

Bill 306: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in State Grants – Pāhoa Weed and Seed (\$15,000); appropriates same to Pāhoa Weed and Seed. Funds would be used by the Police Department as “buy money” to purchase illicit drugs as part of its undercover covert operations in meeting objectives of the Pāhoa Weed and Seed grant.}

Re: Comm. 954
 Intr. by: Ms. Isbell
 Approve: FC-310

Bill 314: Amends Chapter 11 (Housing Code) of the Hawai'i County Code 1983 (1995 Edition), as Amended by Ordinance 05-23, by Adding a New Section to Section 11-5(c) to Provide for Affordable Housing Credits for the Construction of Rental Units Affordable for Qualified Households Earning 100 to 120% of Median.

Re: Comm. 980
 Intr. by: Mr. Hoffmann
 Approve: CHA – July 7, 2006

1:30 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 289: Amends the State Land Use Boundaries Maps 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 6-2-9:17 (approx. 5.9 acres). {Scott Nakahara, Applicant.}

Re: Comm. 906
 Intr. by: Mr. Pilago
 1st Reading: July 7, 2006

Bill 290: Amends Section 25-8-7 (North and South Kohala Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural – 5 Acre (A-5a) to Residential and Agricultural – 2 Acre (RA-2a) at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-9:17 (approx. 5.9 acres). {Scott Nakahara, Applicant.}

Re: Comm. 906
Intr. by: Mr. Pilago
1st Reading: July 7, 2006

Bill 291: Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural – 20 Acre (A-20a) to Agricultural – 10 Acre (A-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-048:005 (approx. 21.389 acres). {Thomas E. Shockley, Applicant.}

Re: Comm. 907
Intr. by: Mr. Pilago
1st Reading: July 7, 2006

Bill 295
(Draft 2): Amends Chapter 19 of the Hawai'i County Code 1983 (2005 Edition), Real Property Taxes, Relating to Real Property Tax Exemptions. {Proposed amendment adds a new section allowing for tax exempt status to real property held by the Hawai'i Island Housing Trust.}

Re: Comm. 922.1
Intr. by: Ms. Isbell
1st Reading: July 7, 2006

Bill 310: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Federal Grants – Workforce Investment Act 2006 (\$1,420,008); appropriates to the following: Workforce Investment Act – Administration Planning 2006-07 (\$141,999), Workforce Investment Act – Adult Program 2006-07 (\$490,933), Workforce Investment Act – Dislocated Worker Program 2006-07 (\$287,991), Workforce Investment Act – Youth Program 2006-07 (\$499,085), for a total of \$1,420,008.}

Re: Comm. 966
Intr. by: Mr. Ikeda
1st Reading: July 7, 2006

REPORTS

FC-311
(Comm. 958): Recommends the acceptance of the post-audit *Financial Audit Report of the County of Hawai'i for the Fiscal Year Ended June 30, 2005*, as prepared by KPMG LLP.

PSPRC-29 Recommends approval of the nomination of Mr. Antonio T. Gaspar (Council
(Comm. 925): District 7) to the Veterans Advisory Committee.

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following cases, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities, including the current status of the litigation. A 2/3 vote, pursuant to HRS Section 92-4 and Rule 12 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>MONDAY, JULY 31, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>TUESDAY, AUGUST 1, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, AUGUST 22, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, AUGUST 23, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

ADJOURNMENT

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 July 17, 2006. 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.

Submitting Testimony: Those persons wishing to testify must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony 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. **Please submit a separate testimony for each item.** 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.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai'i County Code} A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, July 26, 2006, at 6 p.m.; Sunday, July 30, 2006, at 10:30 a.m.; and Wednesday, August 2, 2006, at 6 p.m.

(Hawai'i Tribune Herald – July 16, 2006)
(West Hawai'i Today – July 16, 2006)