

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

Comm. 1018: CERTIFICATE OF INSUFFICIENCY METHAMPHETAMINE ERADICATION ACT OF 2006 PETITION

From County Clerk Constance R. Kiriu, dated August 10, 2006, transmitting a Certificate of Insufficiency (Exhibits "A", "B", "C", and "D") relating to the initiative petition filed by the Methamphetamine Eradication Act of 2006 Petitioners' Committee.

Waived: FC

ORDER OF RESOLUTIONS

Res. 414-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$3,000 out and from Clerk-Council Services - Contingency Relief account; credits same to Department of Parks and Recreation Culture and Arts Other Current Expense – Miscellaneous Contract Services (Ho'okani Pila). Discretionary funds from District 3 would be used for travel expenses for Ho'okani Pila, an 'ukulele class under the Department of Parks and Recreation's Culture and Arts Division, representing the Big Island at the 2007 'Ukulele Festival on O'ahu on July 29, 2007.}

Re: Comm. 994
Intr. by: Mr. Arakaki
Waived: FC

Res. 415-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$4,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Liquor Control Public Programs, Miscellaneous Contract Services (Konawaena Junior Reserve Officers' Training Corps (JROTC)). Discretionary funds from District 7 would be used for the United States Army JROTC program for their participation in two major events on the Island of O'ahu (Adventure Challenge at Schofield Barracks in December 2006, and Drill meet sponsored by Kings Guards in April 2007).}

Re: Comm. 995
Intr. by: Ms. Isbell
Waived: FC

Res. 416-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$40,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Projects Fund – General (Park Improvement Projects Council District 7 to be allotted to West Hawai'i Veterans' Cemetery). Discretionary funds from District 7 would be used to reforest the West Hawai'i Veterans' Cemetery by purchasing trees, topsoil, and irrigation supplies.}

Re: Comm. 996
Intr. by: Ms. Isbell
Waived: FC

Res. 417-06: Authorizes the Mayor or His Duly Authorized Representative to Negotiate, Execute and Submit the Necessary Application for the Renovation of a Caregiver and Senior Resource Center in the County of Hawai'i, the Economic Development Initiative Funds Grant Agreement, and Other Related Documents to the U.S. Department of Housing and Urban Development (HUD). {The Economic Development Initiative Funds application to HUD is in the amount of \$198,000.}

Re: Comm. 1001
Intr. by: Mr. Hoffmann
Approve: CHA – July 31, 2006

Res. 418-06: Authorizes the Mayor or His Duly Authorized Representative to Negotiate, Execute and Submit the Necessary Application for the Construction of a Homeless Shelter in Kailua-Kona, the Economic Development Initiative Funds Grant Agreement and Other Related Documents to the U.S. Department of Housing and Urban Development (HUD). {The Economic Development Initiative Funds application to HUD is in the amount of \$148,500.}

Re: Comm. 1002
Intr. by: Mr. Hoffmann
Approve: CHA – July 31, 2006

Res. 426-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$8,200 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Elderly Activities Division Recreation Other Current Expense (Kea'au Community Center). Discretionary funds from District 3 would be used to purchase 20 folding tables, 152 folding chairs, and 3 chair trucks for the Kea'au Community Center.}

Re: Comm. 1014
Intr. by: Mr. Arakaki
Waived: FC

Res. 427-06: Requests that the Mayor Enter into Negotiations for the Acquisition of TMK (3)4-8-004:006, Waipi'o Lookout Point (Rice Parcel). {Comprised of 1.804 acres and presently "for sale", it is ranked as a "high priority" and has the second highest criteria score of 83% for acquisition purposes by the Public Access, Open Space, and Natural Resources Preservation Commission.}

Re: Comm. 1015
Intr. by: Mr. Holschuh
Waived: FC

Res. 428-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$3,500 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Public Works Building Repair and Maintenance Other Current Expense ADA Compliant Portable Toilet (Honoka'a – Raleigh Martin Parking Lot). Discretionary funds from District 1 would be used to rent an ADA compliant portable toilet for downtown Honoka'a (Raleigh Martin Parking Lot) for one year.}

Re: Comm. 1016
Intr. by: Mr. Holschuh
Waived: FC

Res. 429-06: 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 Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Tourism Promotion (Waipi'o Park Ranger Pilot Program). Discretionary funds from District 1 would be used to supplement funding for the Waipi'o Park Ranger Pilot Program to procure signage, brochures, and other educational materials.}

Re: Comm. 1017
Intr. by: Mr. Holschuh
Waived: FC

MOTION TO RESOLVE INTO THE COMMITTEE OF THE WHOLE RE: RES. 430-06

MOTION TO RESOLVE OUT OF THE COMMITTEE OF THE WHOLE RE: RES. 430-06

Res. 430-06: Initiates an Interim Amendment to Ordinance No. 05-25, the County of Hawai'i General Plan, Relating to General Plan Amendment Procedures. {Directs the Planning Director to conduct a feasibility study of the interim amendment procedures set forth in Ordinance 05-25, County of Hawai'i General Plan, and to make recommendations to the Planning Commission who shall make recommendations thereon to the Council within 60 days of the transmittal date of this resolution.}

Re: Comm. 1021
Intr. by: Mr. Higa

10:15 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 303: 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 Residential-Commercial Mixed Use – 20,000 Square Feet (RCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-25:18 (approx. 20,438 square feet). {Alice Adee, M.D., Applicant.}

Re: Comm. 951
Intr. by: Mr. Pilago
Approve: PC-102

Bill 304: 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 Neighborhood Commercial – 20,000 Square Feet (CN-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-34:13 (approx. 20,000 square feet). {Hirayama Brothers Electric, Inc., Applicant.}

Re: Comm. 952
Intr. by: Mr. Pilago
Approve: PC-103

Bill 309
(Draft 2): Planning Director Initiated – Amends the Hawai'i County General Plan, as Adopted by Ordinance No. 05 25. {Proposed amendments are to the text, policies, courses of action, Land Use Pattern Allocation Guide (LUPAG) Map, and Facilities Map. The difference between Draft 1 and Draft 2 is detailed in Comm. 964.16 and includes deletion of A-1, A-2, B-2, and B-3 on the LUPAG Map, and revisions to the Planning Director's proposed text amendments to the General Plan. }

Re: Comm. 964.16
Intr. by: Mr. Pilago
Approve: PC-104

Bill 316: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. {Adds PUBLIC WORKS: Māmalahoa Highway Improvements (Mud Lane to Waimea Town) (\$142,000); funds shall be provided from General Obligations Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$142,000). Funds would be used for striping work involved in the resurfacing of roadway from Mud Lane to Waimea Town, as excessive costs for paving materials in past appropriations were devoted entirely to the paving work only. }

Re: Comm. 992
Intr. by: Ms. Isbell
Approve: FC-316
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 320: 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 the following: Federal Grant-Economic Development Initiative Fund Kailua-Kona Homeless Shelter (\$148,500) and Federal Grant-Economic Development Initiative Fund Caregiver and Senior Resource Center (\$198,000), for a total of \$346,500; appropriates to the following: Kailua-Kona Homeless Shelter (\$148,500) and Caregiver and Senior Resource Center (\$198,000), for a total of \$346,500. }

Re: Comm. 1003
Intr. by: Mr. Hoffmann
Approve: CHA – July 31, 2006

Bill 324: Amends the Parks and Recreational Facility Schedule, Chapter 15, Article 8, Section 15-68.1, Hawai'i County Code 1983 (2005 Edition, as Amended), Regarding Renaming the Pana'ewa Rainforest Zoo to "Pana'ewa Rainforest Zoo and Gardens". {This name change would better reflect the composition of the zoo, as well as recognize the tireless efforts of the many volunteers who have donated and/or maintained the many plants throughout the zoo. }

Re: Comm. 1019
Intr. by: Mr. Arakaki
Waived: PSPRC

;and

(Comm. 1019.1 continues on the next page.)

- Comm. 1019.1: From R.A. Mitchell, Jr., Past President, Hawai'i Chapter, American Rhododendron Society; *and*
- Comm. 1019.2: From Jean A. Curtis, President, Friends of the Pana'ewa Zoo; *and*
- Comm. 1019.3: From Donna Thomas, Vice President, Friends of the Pana'ewa Zoo.

1:00 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 311: Amends Chapter 5, Article 1, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Building Code. {Adds a new Section 5-1.0.12(a) which creates an amnesty period beginning October 1, 2006, through September 30, 2007, for owners of unpermitted residential buildings or agricultural farm structures completed before January 1, 2006, who may want to comply with the Building Code. Owners who secure an "amnesty permit" will be exempt from all civil and criminal penalties that might be imposed for constructing a structure without a permit. All amnesty permits must satisfy the requirements of the Building Code, which include permit fees.}

Re: Comm. 975
 Intr. by: Ms. Isbell
 1st Reading: August 1, 2006

Bill 312: Amends Chapter 17, Article 2, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Plumbing Code. {Adds a new Section 17-17.1 which creates an amnesty period beginning October 1, 2006, through September 30, 2007, for owners of unpermitted residential buildings or agricultural farm structures completed before January 1, 2006, who may want to comply with the Plumbing Code. Owners who secure an "amnesty permit" will be exempt from all civil and criminal penalties that might be imposed for constructing a structure without a permit. All amnesty permits must satisfy the requirements of the Plumbing Code, which include permit fees.}

Re: Comm. 976
 Intr. by: Ms. Isbell
 1st Reading: August 1, 2006

Bill 313: Amends Chapter 9, Article 5, Division 2, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Electrical Code. {Creates an amnesty period beginning October 1, 2006, through September 30, 2007, for owners of unpermitted residential buildings or agricultural farm structures completed before January 1, 2006, who may want to comply with the Electrical Code. Owners who secure an "amnesty permit" will be exempt from all civil and criminal penalties that might be imposed for constructing a structure without a permit. All amnesty permits must satisfy the requirements of the Electrical Code, which include permit fees.}

Re: Comm. 977
 Intr. by: Ms. Isbell
 1st Reading: August 1, 2006

REPORTS

FC-315 (Comm. 991): Recommends acceptance of the donation of backstroke flags by Ann and Tom Finney to the Department of Parks and Recreation – Aquatics Division, to be used for swimming competitions at the Kona Community Aquatic Center, with a total estimated value of \$600.

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.

Comm. 582.32: HAWAI'I COUNTY REQUEST FOR STAGE 2 PROPOSALS #2210; COUNTY OF HAWAI'I, DEPARTMENT OF FINANCE; WASTE REDUCTION FACILITY, DESIGN-BUILD-OPERATE PROJECT
 From Finance Director William Takaba, dated August 10, 2006.

Comm. 816.1: THOMAS YOUNG V. COUNTY OF HAWAI'I, CIVIL NO. 05-01-164K
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated August 11, 2006.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>WEDNESDAY, SEPTEMBER 6, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO
	<u>THURSDAY, SEPTEMBER 7, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM – HILO

	<u>TUESDAY, SEPTEMBER 19, 2006</u>	
COMMITTEES	TBA	SHERATON KEAUHOU BAY RESORT & SPA
	<u>WEDNESDAY, SEPTEMBER 20, 2006</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA
COUNCIL PUBLIC HEARING RE: BILL 300 (ALCOHOL USE IN COUNTY PARKS AND FACILITIES)	6:00 p.m.	SHERATON KEAUHOU BAY RESORT & SPA

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 August 21, 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.

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 **seventeen (17)** 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. **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, August 30, 2006, at 6 p.m.; Sunday, September 3, 2006, at 10:30 a.m.; and Wednesday, September 6, 2006, at 6 p.m.

(Hawai'i Tribune Herald – August 20, 2006)

(West Hawai'i Today – August 20, 2006)