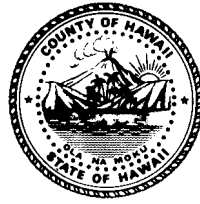


STACY K. HIGA
Chair & Presiding Officer

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*

50th Session

ORDER OF BUSINESS

Hawai'i County Council
**333 Kilauea Avenue
(Ben Franklin Building)
Second Floor, Council Room
Hilo, Hawai'i**

Wednesday, November 29, 2006
9:00 a.m.

INVOCATION

Reverend Tim Carigon of Hilo Missionary Church

CALL TO ORDER

ROLL CALL

9:09 a.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

April 5 and 19, 2006 - **APPROVED**

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

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

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

COMMUNICATIONS

Comm. 1200: NOMINATION OF MRS. JOANNE BACKMAN TO THE PUNA COMMUNITY DEVELOPMENT PLAN STEERING COMMITTEE
From Mayor Harry Kim, dated October 18, 2006, recommending approval of the above nomination.

Waived: PC

APPROVED

Comm. 1221: DAUGHTERS OF HAWAI'I GRANT AWARD FOR CHILDREN'S EDUCATIONAL PROGRAMS OF THE HULIHE'E PALACE
From Vice Chair Virginia Isbell, dated November 16, 2006, attaching a letter from Fanny AuHoy, Curator, Daughters of Hawai'i, informing that the original purpose of their \$25,000 grant for a student educational program at Hulihe'e Palace has been expanded to give the students a "hands-on" experience to paint lower areas that have been re-plastered because of damage caused by the earthquake.

Waived: HSEDC

APPROVED

ORDER OF RESOLUTIONS

Res. 507-06: Supports the Partnership Development of an Off-Highway Vehicle (OHV) Riding Facility in the Hāmākua District. {Supports the creation of an OHV riding facility which includes Motor Cycles intended for off-road use, more commonly known as Dirt Bikes and All-Terrain Vehicles (ATV's or Quads).}

Re: Comm. 1161
Intr. by: Mr. Holschuh
Approve: PSPRC-40

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 516-06: Authorizes Approval of In Lieu Fair Share Contribution to Satisfy Condition "P" of Ordinance No. 03 37. {Fair share contribution in an amount of \$455,515.70 would be used for the support of road and traffic improvements as required by Condition P.} {Walter and Susan Welton, Applicants.}

Re: Comm. 1173
 Intr. by: Mr. Pilago
 Approve: PC-124

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 517-06: Authorizes Approval of In Lieu Fair Share Contribution to Satisfy Condition "N" of Ordinance No. 02 95. {Fair share contribution in an amount of \$26,500 would be used for the support of road and traffic improvements as required by Condition N.} {Bart T. Cahoon Trust, Applicant.}

Re: Comm. 1174
 Intr. by: Mr. Pilago
 Approve: PC-125

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 518-06: Authorizes Approval of In Lieu Fair Share Contribution to Satisfy Condition "H" of Ordinance No. 97 91. {Fair share contribution in an amount of \$144,080.08 would be used for the support of road and traffic improvements as required by Condition H.} {Hakalau Farms, Applicant.}

Re: Comm. 1175
 Intr. by: Mr. Pilago
 Approve: PC-126

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:Council Member Safarik – 1.

Res. 519-06: Authorizes Approval of In Lieu Fair Share Contribution to Satisfy Condition "L" of Ordinance No. 98 36. {Fair share contribution in an amount of \$131,590.54 would be used for the support of park and recreational improvements and facilities as required by Condition L.} {Mike J. Prohoroff, Applicant.}

Re: Comm. 1176
 Intr. by: Mr. Pilago
 Approve: PC-127

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 520-06: Accepts the Donation of Lot 3-A-1-B of the Kealakehe Homesteads, First Series, Situate at Kealakehe, District of North Kona, County and State of Hawai'i, Identified as Tax Map Key: (3)7-4-003:Portion of 009, from Don Mau Sodergren and Maggie Makaleka Kaonohi Sodergren, Co-Trustees. {Containing an area of 397 square feet, more or less, this parcel would allow the County to better maintain the right-of-way at the intersection of Māmalahoa Highway and a Homestead Road for public safety and convenience.}

Re: Comm. 1179
 Intr. by: Ms. Isbell
 Approve: FC-365

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 521-06: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year (5 Years) Lease of Real Property for Public Parking in Kainaliu, North Kona, TMK: (3) 7-9-07: 37. {Lease with Oshima Bros., Inc., (aka Oshima Store) would allow the County to construct a temporary off-street public parking lot at a cost of \$10,937.43 per year, plus the waiver of the parcel's real property tax (present cost of \$950.40 per year).}

Re: Comm. 1180
 Intr. by: Ms. Isbell
 Approve: FC-366

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 528-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$3,750 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Parks Maintenance Other Current Expense (Hilo Downtown Improvement Association 2006 Holiday Lights Program). Discretionary funds from District 4 would be used towards costs associated with the Hilo Downtown Improvement Association's 2006 Holiday Lights Program. }

Re: Comm. 1202
 Intr. by: Mr. Higa
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Res. 529-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Tourism Promotion, Miscellaneous Contract Services (Friends of the Palace Theater – 5th Hilo Chinese New Year Festival). Discretionary funds from District 4 would be used as a grant towards Friends of the Palace Theater for the 5th Annual Hilo Chinese New Year Festival to be held on February 16 and 17, 2007. }

Re: Comm. 1203
 Intr. by: Mr. Higa
 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. 530-06: 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 – Miscellaneous Contract Services (Ho‘okani Pila). Discretionary funds from District 4 would be used towards travel expenses for Ho‘okani Pila, an ‘ukulele class under the Parks and Recreation Department’s Culture and Arts Division, so that they may represent the Big Island at the 2007 ‘Ukulele Festival on O‘ahu on July 29, 2007.}

Re: Comm. 1204
 Intr. by: Mr. Higa
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 531-06: 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 Elderly Activities Division Recreation Other Current Expense (Kea‘au Community Center Supplies). Discretionary funds from District 3 would be used to purchase miscellaneous materials and supplies for the Kea‘au Community Center to be used for senior activities and programs.}

Re: Comm. 1205
 Intr. by: Mr. Arakaki
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 532-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Parks Maintenance Other Current Expense, Miscellaneous Contract Services (Hilo Downtown Improvement Association 2006 Holiday Lights Program). Discretionary funds from District 3 would be used towards costs associated with the Hilo Downtown Improvement Association’s 2006 Holiday Lights Program. }

Re: Comm. 1206
 Intr. by: Mr. Arakaki
 Waived: FC

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

Res. 533-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$6,250 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Parks Maintenance Miscellaneous Contract Services (2006 Holiday Lights Program – Hilo Downtown Improvement Association). Discretionary funds from District 2 would be used towards costs associated with the Hilo Downtown Improvement Association’s 2006 Holiday Lights Program. }

Re: Comm. 1207
 Intr. by: Mr. Ikeda
 Waived: FC

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

Res. 536-06: 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 Planning, Planning Other Current Expense (EnVision Downtown Hilo 2025 Visionkeepers). Discretionary funds from District 4 would be used towards the EnVision Downtown Hilo 2025 Visionkeepers for the implementation of the Community-based Vision and Living Action Plan.}

Re: Comm. 1212
 Intr. by: Mr. Higa
 Waived: FC

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

Res. 537-06: 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 Office of the Prosecuting Attorney, Kona Prosecuting Attorney Other Current Expense, Miscellaneous Contract Services (Nā Kalai Wa‘a Moku o Hawai‘i – Drug Prevention and Youth Anti-Violence Awareness Program). Discretionary funds from District 8 would be used towards Nā Kalai Wa‘a Moku o Hawai‘i’s drug prevention and youth anti-violence awareness through aquatic programs, traditional canoe building and navigational and voyaging education.}

Re: Comm. 1213
 Intr. by: Mr. Pilago
 Waived: FC

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

Res. 538-06: Authorizes the Mayor to Enter Into a Multi-Year (10 Years) Agreement with the Property Owner of the Project Selected for the Section 8 Project Based Certificate Program. {Encourages property owners to make available rental housing unit(s) to low income families at rents within the current housing fair market rents. }

Re: Comm. 1214
 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.

Res. 539-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$23,655 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Project Fund-General (To be allotted to Park Improvement Projects Council District 7). Discretionary funds from District 7 would be used for the Ali'i Kai Subdivision New Park Development Project for the planning and design. }

Re: Comm. 1215
 Intr. by: Ms. Isbell
 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. 544-06: Prioritizes Lands to be Acquired Pursuant to Hawai'i County Code Section 2-218. {The acquisition of lands to be financed with the terms of Ordinance No. 05-166 shall be prioritized as follows: 1) Kawa'a/Kawa'a Bay, 2) Waipi'o Lookout Point Parcel, 3) Honoli'i Gulch Property, and 4) Puapua'a Properties. }

Re: Comm. 1220
 Intr. by: Mr. Holschuh
 Waived: FC

ADOPTED:
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 BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 360: 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 State Grants – Narcotics Task Force (\$3,699); appropriates same to Narcotics Task Force. Funds would be used for the interdiction of drugs within the County of Hawai'i via the apprehension/arrest/conviction of the individuals smuggling narcotics into/within our island.}

Re: Comm. 1181
Intr. by: Ms. Isbell
Approve: FC-367

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 363: 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. {Reinstates the purpose section (d) which was inadvertently omitted during the petition process relating to acquiring lands or property entitlements in the County of Hawai'i for purposes listed in this section.}

Re: Comm. 1201
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.

10:15 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 251
(Draft 2): Amends Section 25-8-3 (North Kona 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-5a) to Residential and Agricultural (RA-1a) (approx. 97.347 acres) and Multiple Family Residential (RM-3.5) (approx. 10.829 acres) at Moeauoa 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-5-3:7, 8, 9. {SCD Kona 108, LLC, Applicant.}

Re: Comm. 766.5
 Intr. by: Mr. Pilago
 Postponed: May 17, June 21, and
 October 31, 2006
 Public Hearing to be Held: November 9, 2006
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: Council Members Hoffmann and Pilago – 2.

ABSENT & EXCUSED:None.

Bill 258
(Draft 4): Amends Chapter 4 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Animals. {Repeals Chapter 4, Animals, Hawai'i County Code, in its entirety and establishes a new chapter relating to Animals. Replicates Chapter 7, Animals and Fowl, of the Revised Ordinances of Honolulu with a few minor adjustments. Contains provisions relating to the following: cockfighting and related equipment, animal nuisances, dog licenses, regulation of dogs, public spay and neuter clinic for dogs and cats, cat identification program, and regulation of dangerous dogs. Also includes provisions regarding licensed obedience trial, tracking, and show dogs, sterilization of cats and dogs, strict enforcement of strays, and regulation of noisy animals (not just dogs). Draft 4 contains amendments approved at the Council's November 15, 2006, meeting and are contained in this communication.}

Re: Comm. 798.19
 Intr. by: Mr. Holschuh
 1st Reading: October 31, 2006
 Postponed: November 15, 2006

AMENDED TO DRAFT 6 & 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 305
(Draft 2): 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 Multiple Family Residential – 2,500 Square Feet (RM-2.5) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-36:102 and 103 (approx. 67,500 square feet). {Ivan Mochida, Applicant.}

Re: Comm. 953.12
Intr. by: Mr. Pilago (B/R)
Postponed: October 31, 2006
Public Hearing Held: November 14, 2006
1st Reading: November 15, 2006

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Arakaki, Holschuh, and Safarik – 3.
NOES: Council Members Hoffmann, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 6.

ABSENT & EXCUSED:None.

Bill 309
(Draft 4): 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. Specific amendments may be found in Draft 4.}

Re: Comm. 964.48
Intr. by: Mr. Pilago
1st Reading: August 23, 2006
Postponed: September 7, 2006
Public Hearing Held: October 24, 2006
Postponed: November 15, 2006
Public Hearing to be Held: November 24, 2006

PASSED 2ND & FINAL READING:

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

NOES: Council Member Pilago – 1.

ABSENT & EXCUSED:None.

;and

Comm. 964.49: From Peter T. Young, Chairperson, State Department of Land and Natural Resources, dated September 1, 2006; *and*
Comm. 964.50: From Esta Marshall, dated September 5, 2006; *and*
Comm. 964.51: From Tim Lui-Kwan, Carlsmith Ball LLP, dated August 25, 2006; *and*
Comm. 964.52: From Ambika Kosada, Spokesperson, Kealakekua Bay Watershed Advisory Council, dated September 4, 2006; *and*
Comm. 964.53: From Micah A. Kane, Chairman, Hawaiian Homes Commission, dated September 7, 2006; *and*
Comm. 964.54: From Michael W. Gibson, Manager, Captain Cook Ranch LLC, dated August 29, 2006; *and*
Comm. 964.55: From Lillian Fox, dated September 3, 2006; *and*
Comm. 964.56: From Chuck Flaherty, dated September 4, 2006; *and*
Comm. 964.57: From Dore Dokos-Loewenthal, dated September 6, 2006; *and*
Comm. 964.58: From Pari Kosada, dated September 6, 2006; *and*
Comm. 964.59: From Josephine Keliipio, dated September 7, 2006; *and*

- Comm. 964.60: From Isaac D. Harp, dated September 6, 2006; *and*
Comm. 964.61: From Charles Flaherty, dated September 6, 2006; *and*
Comm. 964.62: From Zelma J. Osborne, First American Title Company, Inc., undated; *and*
Comm. 964.63: From Gretchen Ana Currie, dated September 6, 2006; *and*
Comm. 964.64: From Ru Carley, dated September 6, 2006; *and*
Comm. 964.65: From Sally Marone, dated September 6, 2006; *and*
Comm. 964.66: From Janice Palma-Glennie, Moku Loa Group of the Sierra Club, dated September 6, 2006; *and*

Comm. 964.67: From Margaret Wille, Attorney at Law, dated September 7, 2006; *and*
Comm. 964.68: From Gordana Leonard, dated September 7, 2006; *and*
Comm. 964.69: From Ambika Kosada, Kealakekua Bay Watershed Advisory Council, dated September 7, 2006; *and*

Comm. 964.70: From Kristina Browne and Robert Critchfield, dated October 23, 2006; *and*
Comm. 964.71: From Benjamin Prichard, undated; *and*
Comm. 964.72: From Nedra Lanakila, dated October 23, 2006; *and*
Comm. 964.73: From Daerick Lanakila, dated October 23, 2006; *and*
Comm. 964.74: From Gwendolyn Jones, dated October 23, 2006; *and*
Comm. 964.75: From Francene Hart, dated October 23, 2006; *and*
Comm. 964.76: From Thomas Butler, dated October 23, 2006; *and*
Comm. 964.77: From André Bradford Noguès, Director of Operations, The Resonance Project Foundation, dated October 23, 2006; *and*

Comm. 964.78: From Dvorah Henderson, Sunny Langstraat, and Eva Vonkruedner, dated October 23, 2006; *and*

Comm. 964.79: From Dana Maria Mitchell, dated October 23, 2006; *and*
Comm. 964.80: From Alexandria and Fred Doshier, dated October 24, 2006; *and*
Comm. 964.81: From Dore Dokos-Loewenthal, dated October 24, 2006; *and*
Comm. 964.82: From Harold Murata, dated October 24, 2006; *and*
Comm. 964.83: From Shikwan Sung, dated October 24, 2006; *and*
Comm. 964.84: From Jo-Anne Kahanamoku Sterling, dated October 24, 2006; *and*
Comm. 964.85: From Fred Duerr, dated October 24, 2006; *and*
Comm. 964.86: From Thomas Hilliard, dated October 24, 2006; *and*
Comm. 964.87: From Marshall Lefferts, dated October 23, 2006; *and*
Comm. 964.88: From Frank (Tom) Patton, dated October 22, 2006; *and*
Comm. 964.89: From Alice M. Sherer, dated October 21, 2006; *and*
Comm. 964.90: From Kristin Lambert, dated October 22, 2006; *and*
Comm. 964.91: From Cynthia Walsh, dated October 22, 2006; *and*
Comm. 964.92: From Susan Rose Brotman, dated October 22, 2006; *and*
Comm. 964.93: From Robert and Mary Dahlager, dated October 22, 2006; *and*
Comm. 964.94: From Kathryn G. Rawle, dated October 22, 2006; *and*
Comm. 964.95: From Pete Peraya, dated October 21, 2006; *and*
Comm. 964.96: From Robert Flatt, dated October 21, 2006; *and*
Comm. 964.97: From David Tarnas, Marine and Coastal Solutions International, Inc., Planning Consultant to Jacoby Development, Inc., dated October 24, 2006; *and*

Comm. 964.98: From Rick Gaffney, undated; *and*
Comm. 964.99: From Dore Dokos-Loewenthal, dated October 24, 2006; *and*
Comm. 964.100: From Esta Marshall, dated October 23, 2006; *and*
Comm. 964.101: From Linda and William Horgan, dated October 23, 2006; *and*
Comm. 964.102: From Sally Hammond, dated October 23, 2006; *and*
Comm. 964.103: From Patricia McCarver, dated October 23, 2006; *and*
Comm. 964.104: From Ray Anders, dated October 23, 2006; *and*
Comm. 964.105: From Cory Harden, dated October 23, 2006; *and*

- Comm. 964.106: From Claudia Brown, dated October 23, 2006; *and*
Comm. 964.107: From Lianne Ichishita, dated October 23, 2006; *and*
Comm. 964.108: From Nancy Ginter-Miller and Mark R. Miller, dated October 23, 2006; *and*
Comm. 964.109: From Nancee Cline, dated October 23, 2006; *and*
Comm. 964.110: From Ernst Langstraat, dated October 23, 2006; *and*
Comm. 964.111: From Peter T. Young, Chairperson, Board of Land and Natural Resources, dated October 20, 2006; *and*
Comm. 964.112: From Micah A. Kane, Chairman, Hawaiian Homes Commission, dated October 24, 2006; *and*
Comm. 964.113: From Kara Bernarda, dated October 23, 2006; *and*
Comm. 964.114: From Hart Phillips, dated October 23, 2006; *and*
Comm. 964.115: From Keith Keffer, undated; *and*
Comm. 964.116: From Esta Marshall, dated October 23, 2006; *and*
Comm. 964.117: From George I. and Joan E. Prater, dated October 23, 2006; *and*
Comm. 964.118: From Bobby Dudley, dated October 23, 2006; *and*
Comm. 964.119: From Nan Dudley, dated October 23, 2006; *and*
Comm. 964.120: From Tim Clark, dated October 23, 2006; *and*
Comm. 964.121: From Martha Simpson, dated October 23, 2006; *and*
Comm. 964.122: From Teresa Collins, dated October 23, 2006; *and*
Comm. 964.123: From Dave Benavides-MBA, Information Technology Business Consultant, IQ Consulting Resources, Inc., dated October 23, 2006; *and*
Comm. 964.124: From Nancy Benavides, RA, Coldwell Banker Aloha Properties, dated October 23, 2006; *and*
Comm. 964.125: From Chuck Gallison and Nina R. Garcia, dated October 22, 2006; *and*
Comm. 964.126: From Ed Geer, dated October 22, 2006; *and*
Comm. 964.127: From Mary Beth Hilburn, dated October 22, 2006; *and*
Comm. 964.128: From Christina Pettersen, dated October 22, 2006; *and*
Comm. 964.129: From Marshall Blann, dated October 23, 2006; *and*
Comm. 964.130: From Josephine Keliipio, dated October 24, 2006; *and*
Comm. 964.131: From Micah A. Kane, Chairman, Hawaiian Homes Commission, dated October 24, 2006; *and*
Comm. 964.132: From Stan and Kitty Lyons, dated October 29, 2006; *and*
Comm. 964.133: From K. Angel Pilago, Council Member, dated November 14, 2006; *and*
Comm. 964.134: From Peter T. Young, Chairperson, Board of Land and Natural Resources, dated November 15, 2006; *and*
Comm. 964.135: From Bob Flatt, dated November 14, 2006; *and*
Comm. 964.136: From Alice M. Sherer, dated November 14, 2006; *and*
Comm. 964.137: From Janice Palma-Glennie, dated November 14, 2006; *and*
Comm. 964.138: From Mark McGuffie, Executive Director, Hawai'i Island Economic Development Board, dated November 15, 2006; *and*
Comm. 964.139: From Nancy Benavides, dated November 15, 2006; *and*
Comm. 964.140: From Dore Dokos-Loewenthal, dated November 15, 2006; *and*
Comm. 964.141: From Ann Goody, Curator, Three Ring Ranch Exotic Animal Sanctuary, dated November 15, 2006; *and*
Comm. 964.142: From Susan Decker, dated November 15, 2006; *and*
Comm. 964.143: From Debbie Hecht, dated November 15, 2006; *and*
Comm. 964.144: From Jeff Sacher, dated November 14, 2006; *and*
Comm. 964.145: From Phyllis Hanson, dated November 14, 2006; *and*
Comm. 964.146: From Shannon Rudolph, dated November 14, 2006; *and*
Comm. 964.148: From Todd Dacey, dated November 15, 2006; *and*
Comm. 964.149: From Sally Marone, dated November 12, 2006; *and*

Comm. 964.150: From David Tarnas, Marine and Coastal Solutions International, Inc., Planning Consultant to Jacoby Development, Inc., dated November 15, 2006; *and*
 Comm. 964.151: From William J. Paris, Jr., and Wilma J. Paris, dated November 15, 2006; *and*
 Comm. 964.152: From Joe Conti, dated November 14, 2006; *and*
 Comm. 964.153: From Miles H. Mulcahy, dated November 12, 2006; *and*
 Comm. 964.154: From Linda and Bill Horgan, dated November 13, 2006; *and*
 Comm. 964.155: From Marjorie Erway, dated November 11, 2006; *and*
 Comm. 964.156: From Teresa Collins, dated November 12, 2006; *and*
 Comm. 964.157: From Kitty Lyons, dated November 12, 2006; *and*
 Comm. 964.158: From Cheryl King, dated November 14, 2006; *and*
 Comm. 964.159: From Ken Love, dated November 12, 2006; *and*
 Comm. 964.160: From Bob and Mary Dahlager, dated November 12, 2006; *and*
 Comm. 964.161: From Nancy Benavides, dated November 14, 2006; *and*
 Comm. 964.162: From Nancy and Mark Miller, dated November 14, 2006.

Bill 339: 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 6-2-11:20 (approx. 5.003 acres). {James and Madeleine T. Budde, Applicants.}

Re: Comm. 1081
 Intr. by: Mr. Pilago
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: Council Members Hoffmann, Jacobson, and Pilago – 3.

ABSENT & EXCUSED:None.

Bill 340: 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 Acres (A-5a) to Residential and Agricultural – 2 Acres (RA-2a) at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-11:20 (approx. 5.003 acres). {James and Madeleine T. Budde, Applicants.}

Re: Comm. 1081
 Intr. by: Mr. Pilago
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: Council Members Hoffmann, Jacobson, and Pilago – 3.

ABSENT & EXCUSED:None.

Bill 342
(Draft 2): 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 Multiple Family Residential – 1,000 Square Feet (RM-1) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-26:24 (approx. 21,780 square feet). {Allan Takase, M.D., Applicant.}

Re: Comm. 1097.1
Intr. by: Mr. Pilago (B/R)
1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 344: Repeals Ordinance No. 96 81 Which Amended Section 25-114 (City of Hilo Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-3a) to Single Family Residential (RS-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-4-80:15 (Formerly 2-4-3:Portion of 4) (approx. 1.952 acres). {Jon Mitsuda, Applicant.}

Re: Comm. 1101
Intr. by: Mr. Pilago
1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 350: 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 Contribution from Private Source (\$30,206); appropriates same to Rescue Equipment – Private.}

Re: Comm. 1132
Intr. by: Ms. Isbell
1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Pilago – 1.

Bill 351: Amends Chapter 15, Article 7, of the Hawai'i County Code 1983 (2005 Edition), Relating to the Veterans Advisory Committee. {Amendments relate to the following: clarifies that in addition to 16 members there are two ex-officio members without the power to vote (Section 15-61); includes the entire island when filling vacancies to the Military Order of the Purple Heart and designates a slot to Korean War Veterans and reduces the number of "independent" slots from four to three (Section 15-62(b)); and removes language relating to two ex-officio members as it is now included in Section 15-61 – Organization (Section 15-62(f)).}

Re: Comm. 1133
 Intr. by: Mr. Jacobson
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Pilago – 1.

Bill 352: 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 Non-School Hour Programs (\$52,000); appropriates same to Non-School Hour Programs.}

Re: Comm. 1134
 Intr. by: Ms. Isbell
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Pilago – 1.

Bill 354: 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 the following: Federal Grants – State Homeland Security Program (\$800,000), Federal Grants – Law Enforcement Terrorism Prevention Program (\$300,000), and Federal Grants – Citizen Corps Program (\$38,582), for a total of \$1,138,582; appropriates to the following: State Homeland Security Program Fiscal Year 2006 (\$800,000), Law Enforcement Terrorism Prevention Program Fiscal Year 2006 (\$300,000), and Citizen Corps Program Fiscal Year 2006 (\$38,582), for a total of \$1,138,582.}

Re: Comm. 1141
 Intr. by: Ms. Isbell
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 355: 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 and decreases revenues in the following: Increase Federal Grants – Hawai'i County Police Department (HCPD) Traffic Investigation Program (\$20,560) and decreases Federal Grants – Traffic Training and Equipment \$[12,560], for a total of \$8,000; appropriates same to HCPD Traffic Investigation Program. Funds would be used to reduce the number of alcohol related fatalities and injuries, increase public awareness, and provide a constant deterrence against drunk driving. }

Re: Comm. 1142
 Intr. by: Ms. Isbell
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 356: 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 Wireless E911 System (\$350,000); appropriates same expenditure to Wireless E911 System. }

Re: Comm. 1143
 Intr. by: Ms. Isbell
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 357: Amends Chapter 24, Article 10, Division 8, Section 24-293, Schedule 41, Hawai'i County Code 1983 (2005 Edition, as Amended), Regarding Vehicles and Traffic, to Restrict the Use of the Waipi'o Valley Access Road to Four-Wheel Drive Vehicles. {References to "all wheel" drive has been changed to "four-wheel" drive. }

Re: Comm. 1144
 Intr. by: Mr. Holschuh
 1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 358
(Draft 2):

Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i for the Purpose of Funding All or a Portion of the Costs of Various Improvement Projects and Refunding Certain Outstanding Debt Obligations of the County; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for Their Sale to the Public; and Authorizing the Taking of Other Actions Relating to the Issuance and Sale of the Bonds and the Retirement of the Obligations to be Refunded. {Authorizes the issuance of up to \$75 million in general obligation bonds and also requests authorization to issue bonds in an amount not to exceed \$35 million for the purpose of refunding bonds that were issued at higher interest rates. Attaches "Exhibit A" containing an explanation of each project (West Hawai'i Civic Center, County Building Repairs, La'i'opua Connector Road, and AOA Compliance); and "Exhibits B and C," which are debt service worksheets. }

Re: Comm. 1145.1
Intr. by: Ms. Isbell
1st Reading: November 15, 2006
2/3 Vote: Section 47-5, Hawai'i Revised Statutes

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 361:

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 Transfer from General Fund (\$50,000); appropriates same to Traffic Division Equipment (District 2 - \$30,000; District 3 - \$20,000). Resolution 489-06 submitted by District 2 Council Member Donald Ikeda would be used towards costs related to the installation of "Smart Signs"; and Resolution 493-06 submitted by District 3 Council Member James Arakaki would be used towards the purchase of two "Smart Signs." }

Re: Comm. 1185
Intr. by: Mr. Ikeda
1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

Bill 362: Amends Chapter 24 of the Hawai'i County Code 1983 (2005 Edition, as Amended) Relating to Vehicles and Traffic. { Amendments relate to proposed parking prohibition, time limit parking, and freight loading zone on Kīlauea Avenue, Wilson Street, and Derby Lane. }

Re: Comm. 1191
Intr. by: Mr. Higa
1st Reading: November 15, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Safarik – 1.

REPORTS

FC-364 (Comm. 1168): Recommends the acceptance of the following donations, which would be used by various divisions of the Parks and Recreation Department: monetary donation of \$100 by Mr. Ronan S. Fukushima; a company of parrots donated by Harold and Carol Furtado (estimated value of \$20,000); a variety of ceramic art supplies donated by Mrs. Peggy Wipperman (estimated value of \$3,000); and a lifeguard rescue buoy donated by Ms. Carol Elliot (estimated value of \$50).

APPROVED

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

MONDAY, DECEMBER 4, 2006

COUNCIL – SINE DIE

10:00 a.m.

COUNCIL ROOM – HILO
333 Kīlauea Avenue
Ben Franklin Building
Second Floor

**COUNTY OF HAWAI'I
INAUGURAL CEREMONIES**

12:00 p.m.

Afook-Chinen Civic Auditorium

COUNCIL – NEW

3:00 p.m.

COUNCIL ROOM – HILO
333 Kīlauea Avenue
Ben Franklin Building
Second Floor

TUESDAY, DECEMBER 19, 2006

COMMITTEES

TBA

SHERATON KEAUHOU
BAY RESORT & SPA

WEDNESDAY, DECEMBER 20, 2006

COUNCIL

9:00 a.m.

SHERATON KEAUHOU
BAY RESORT & SPA

ADJOURNMENT 6:06 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 November 27, 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 333 Kīlauea Avenue, 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 25 Aupuni Street, Hilo, Hawai'i 96720, (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,
333 Kīlauea Avenue, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, December 6, 2006, at 6 p.m.; Sunday,
December 10, 2006, at 10:30 a.m.; and Wednesday, December 13, 2006, at 6 p.m.

(Hawai'i Tribune Herald – November 27, 2006)

(West Hawai'i Today – November 27, 2006)