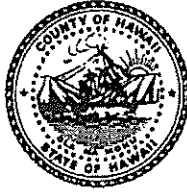


PETE HOFFMANN
Chair & Presiding Officer

K. ANGEL PILAGO
Vice Chair



BRENDA FORD
STACY K. HIGA
DONALD IKEDA
BOB JACOBSON
EMILY I. NAEOLE
DOMINIC YAGONG
J YOSHIMOTO

COUNTY COUNCIL

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

44th Session

ORDER OF BUSINESS

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

Wednesday, August 27, 2008
8:30 a.m.

INVOCATION

Pastor Keith Elliot of Kona Church of God

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

RECEIVED
2008 AUG 20 PM 1 51
COUNTY CLERK
COUNTY OF HAWAII

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

*Serving the Interests of the People of Our Island
Hawai'i County is an Equal Opportunity Provider and Employer.*

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE**8:30 A.M.: STATEMENTS FROM THE PUBLIC ON COMMUNICATIONS AND ORDER OF RESOLUTIONS****COMMUNICATIONS**

- Comm. 1381: NOMINATION OF MR. LESTER KIMURA (COUNCIL DISTRICT 9) TO THE LIQUOR COMMISSION
From Mayor Harry Kim, dated August 11, 2008, requesting approval of the above nomination.
- Comm. 1390: NATIONAL ASSOCIATION OF COUNTIES (NACo) PRESCRIPTION DISCOUNT DRUG PROGRAM
From Council Member Bob Jacobson, dated August 6, 2008, stating that the official roll out date for this program in this County will be on September 1, 2008, and requests to make a formal announcement.

ORDER OF RESOLUTIONS

- Res. 706-08
(Draft 2): Rededicates the Monument for Alexander Joy Cartwright, Jr., the Father of Modern Day Baseball, and the Person Who was Influential in Promoting Baseball in Hilo and the Hawaiian Islands. {Replaces the missing plaque, produces additional plaques as appropriate, and rededicates the monument located at the Francis Wong Stadium in celebration of "Cartwright Day".}; and PSPRC-18.
- Res. 711-08: Creates a Caregiver Information and Assistance Specialist Position and a Data Processing Clerk Position for the Hawai'i County Office of Aging. {These positions, funded by Federal monies, will enable the Office of Aging's Aging and Disability Resource Center to provide valuable information and assistance services to older adults and caregivers.}; and FC-305.
- Res. 712-08: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$31,834.34 out and from Healthy Aging Partnership (Nutrition Program); credits same to Healthy Aging Partnership (Office of Aging). The Office of Aging contracted with the County's Nutrition Program to implement EnhanceFitness, an evidence-based program, at two nutrition sites; however, this program was terminated. These unspent funds would be used to contract with another aging service provider organization.}; and FC-306.

- Res. 713-08: Authorizes the Office of the Mayor to Enter Into an Agreement with the United States of America, Pursuant to HRS 46-7, for the FY 2008 Assistance to Firefighters Grant for the Hawai'i Fire Department. {Funds would be used to establish a Firefighter Health and Wellness program involving an extensive individual medical assessment and monitoring program, an education and training program, and the provision of exercise and health assessment equipment.}; and FC-307.
- Res. 714-08: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Health, Pursuant to HRS 46-7, for the Sexual Violence Prevention and Planning Process Grant. {Funds would be used to convene a Big Island group of sexual violence prevention stakeholders to provide input to the statewide Sexual Violence Prevention and Planning committee.}; and FC-309.
- Res. 715-08: Authorizes the Receipt and Expenditure of State Funding Appropriated by the State Legislature Pursuant to Act 213, Session Laws of Hawai'i 2007, for Community Anti-Drug Efforts on the Island of Hawai'i. {Funds would be used to provide grants to community organizations and grassroots groups to undertake projects that promote drug prevention awareness and education.}; and FC-314.
- Res. 716-08: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Health, Pursuant to HRS 46-7, for the Balanced Transportation Coordinator Position Grant. {Funds would be used to create a Balanced Transportation Coordinator position, which would initiate, coordinate, and develop a county-wide program/plan to ensure bicycle, pedestrian, and non-motorized modes of transportation are incorporated into the County's infrastructure along with transit as well as serve as the lead and liaison in the Planning Department representing multi-modal interests.}; and FC-316.
- Res. 717-08: Encourages the State of Hawai'i Board of Land and Natural Resources and the Department of Water Supply to Expedite Commencement of Repairs to Reservoir 1 and Reservoir 2 Located in the District of South Kohala. {Both reservoirs sustained damage following the October 15, 2006, earthquake which resulted in Reservoir 1 operating at half capacity and Reservoir 2 completely drained and left empty.}; and PWIRC-91
; and
- Comm. 1367.1: From Council Member K. Angel Pilago, dated August 18, 2008, requesting that the Department of Water Supply be allowed to do a follow-up presentation detailing the status of the condition and repairs relating to Reservoirs 1 and 2.
- Res. 724-08: Authorizes the Exemption of Certain Code Requirements, Pursuant to Sections 201H-38 and 201H-44 of the Hawai'i Revised Statutes for the Proposed Kaloko Housing Program in Kailua-Kona. {The Office of Housing and Community Development wishes to construct a comprehensive program for homeless families on County-owned land in Kailua-Kona, identified as Tax Map Key 3/7-3-009: 055.}

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

- Bill 327: Amends Chapter 14, Article 1, Section 14-2(a) and Chapter 15, Article 8, Section 15-68.1, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Old Kona Airport Park. {Adds the Old Kona Airport Park to the parks and recreational facilities schedule. Adds the Park's picnic pavilions and events pavilion excluding the runway and areas surrounding the runway, Pawai Bay, and the park area at the end of the runway to the list of areas requiring permits for intoxicating liquor between specified hours.}; and PSPRC-17.
- Bill 333: Adopts the County of Hawai'i Kona Community Development Plan (CDP). {The planning area for the Kona CDP encompasses the judicial districts of North and South Kona.}; and PC-90
; *and*
- Comm. 1349.4: From Planning Director Christopher J. Yuen, dated August 18, 2008, transmitting proposed amendments to Bill 333 relating to Sections 4.1 (Transportation) and 4.4 (Cultural Resources).
- Bill 334: Amends Chapter 24, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Vehicles and Traffic. {Amends Chapter 24, Article 10, Division 2, Section 24-264, Schedule 12 (Stop intersections), paragraph (g) Puna, by adding "entering Ka'ohe Homestead Road from Cemetery Road" as a designated "stop intersection".}; and PWIRC-90.
- Bill 336: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Federal Grants – Assistance to Firefighters (\$424,963); appropriates same to Assistance to Firefighters Grant (AFG) 2008 – Health and Wellness Program.}; and FC-308.
- Bill 337: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Federal Grants – Sexual Violence Prevention and Planning (\$8,000); appropriates same to Sexual Violence Prevention and Planning.}; and FC-310.
- Bill 338: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Federal Grants – Community Oriented Policing Program – Police (\$116,400); appropriates same to Community Oriented Policing Program - Police. Funds would be used to purchase equipment and to train officers to better assist the Department in its current "war" against the ice epidemic.}; and FC-311.

- Bill 339: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Federal Grants – Sexual Assault Forensic Examiner (SAFE) Standby Pay (\$6,000); appropriates same to SAFE Standby Pay. Funds would be used to compensate the SAFE nurses who are on standby status and waiting to conduct an examination on victims of sexual assault.}; and FC-312.
- Bill 340: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Federal Grants – Law Enforcement Investigations Standby Pay (\$19,600); appropriates same to Law Enforcement Investigations Standby Pay. Funds would be used to compensate the Police Department's Juvenile Aid Section Detectives who are on standby status, ensuring prompt responses to victim(s) and the crime scene.}; and FC-313.
- Bill 341: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Healing Our Island (\$200,000); appropriates same to Healing Our Island.}; and FC-315.
- Bill 342: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in State Grants – Balanced Transportation Coordinator (\$72,138); appropriates same to Balanced Transportation Coordinator.}; and FC-317.
- Bill 350: Amends Chapter 19, Article 1 (Administration), Section 19-2, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Definitions. {New definitions were added via Ordinance No. 07-107, relating to affordable rental housing classification; however, they were inadvertently omitted with the passage of Ordinance No. 08-93, which established a new article relating to tax credits. This reinserts the omitted definitions.}

11 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING), REPORTS, AND REFERRALS FOR EXECUTIVE SESSION

(NOTE: COUNCIL WILL TAKE A ONE-HOUR LUNCH BREAK CLOSE TO THE NOON HOUR.)

ORDER OF THE DAY (SECOND OR FINAL READING)

- Bill 292
(Draft 4): Amends Ordinance No. 93-36 Which Reclassified Lands from Agricultural – 20 Acres (A-20a), Agricultural – 10 Acres (A-10a), and Agricultural – 3 Acres (A-3a) to Residential and Agricultural – 1 Acre (RA-1a) at Kukuau 1st, South Hilo, Hawai'i, Covered by Tax Map Key:2-4-8:Portions of 14 and 26; Request: Amendment to Change of Zone Ordinance No. 93-36. {Hilo Hillside Corporation, Applicant.}
- Bill 318
(Draft 4): Adopts the County of Hawai'i Puna Community Development Plan (CDP). {The planning area for the Puna CDP encompasses the judicial district of Puna and the Volcano Census Designated Place that includes the Volcano Golf Course Subdivision in the District of Ka'u.}
- Bill 325: Amends Chapter 21, Article 5, Section 21-37 of the Hawai'i County Code 1983 (2005 Edition, as Amended) Relating to the Sewer Connection Loan Program. {Adds "Honoka'a" to the list of connection sites authorized to participate in the Sewer Loan Connection Program.}
- Bill 326
(Draft 2): Amends Chapter 20, Hawai'i County Code 1983 (2005 Edition, as Amended) by Adding a New Article 5 Pertaining to Plastic Bag Reduction. {Chapter 20, Relating to Refuse, adds a new Article 5 which prohibits the use of plastic shopping bags by County businesses; encourages the use of environmentally preferable alternatives (such as recyclable paper bags or reusable bags); provides for penalties of fines up to \$1,000 and/or up to 200 hours community service, as well as removal of all plastic bags; and requires the director of Environmental Management to adopt administrative rules to implement the article within one hundred eighty days of its effective date.}
- Bill 328: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Contribution from Private Source (\$101,500); appropriates same to Environmental Protection Agency (EPA) Settlement-Private (funding for a Supplemental Environmental Project at the old closed Kailua-Kona landfill to combat the underground fire that has continued since the early 1990's).}
- Bill 329: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Fund Balance from Previous Year (\$593,663); appropriates same to the following: Geothermal Finance-Other Current Expense (\$13,413), Geothermal Public Works-Other Current Expense (\$24,000), Geothermal Mass Transit-Other Current Expense (\$116,250), Geothermal Mass Transit-Equipment (\$380,000), and Geothermal Parks and Recreation-Other Current Expense (\$60,000), for a total of \$593,663. A number of items have been requested for Lower Puna (utilizing the Geothermal Relocation and Community Benefits Fund), which include the following: Pahoa

Council Office lease, 12 new street lights in Puna Makai, bus driver contract(s) and the purchase of two 33-passenger buses to service Council District 5, and security guard contract(s) for the Pāhoa Community Center.}

Bill 343: Amends Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. {Appropriates revenues in Federal Grants-Underage Drinking Prevention Initiatives (\$25,500); appropriates same to Underage Drinking Prevention Initiatives.}

REPORTS

FC-304
(Comm. 1357): Recommends approval of the nomination of Ms. Diane Gentry (Council District 5) to the Board of Ethics.

PC-91
(Comm. 1353): Recommends approval of the nomination of Mr. Frederic G. Housel (Council District 8) to the Planning Commission.

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following matter, pursuant to Section 92-5(a)(4), for the purpose of consulting with Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and liabilities. A 2/3 vote pursuant to HRS Section 92-4 and Rule 11 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

Comm. 1391: COLE V. NAEOLE – CIVIL NO. 08-1-0175 AND BOARD OF ETHICS CASE NO. 2007-4
From Corporation Counsel Lincoln S. T. Ashida, dated August 18, 2008.

OTHER BUSINESS

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

ANNOUNCEMENTS

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 for this meeting should call 961-8255 by *August 25, 2008*. TTY users may use Relay Service (711)(961-8255) to contact our office.

The agenda is available on the County Council-Clerk web page at http://co.hawaii.hi.us/council/agendas_and_actions.htm. Copies of the agenda and items listed on the agenda are available at the County Clerk's Office, 333 Kilauea Avenue, Hilo; the Office of the Mayor, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona; the Kona Council Office, Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona; and the Waimea Council Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea. For further information, please call 961-8255.

Notice is hereby given that pursuant to Hawai'i Revised Statutes (hereinafter "HRS") § 92-3.5, the Hawai'i County Council will be conducting its August 27, 2008, meeting via videoconference. Council Members will be present at the following locations:

County Council Room – Ben Franklin Tower, 2nd Floor, 333 Kilauea Avenue, Hilo, HI 96720

Sheraton Keauhou Bay Resort and Spa, 78-128 Ehukai Street, Kailua-Kona, HI 96740.

Videoconferencing is available at the following locations; Waimea will be available until 4:30 p.m., or later in the event public witness testimony has not been completed:

- Hilo Council Room at the Ben Franklin Building, Second Floor; and
- Waimea Council Office at the Holomua Center.

If audio stream between Hilo and Kona is lost for more than a short period of time, the meeting will be terminated.

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

Submitting Testimony: Those wishing to testify in person must register with the County Clerk's staff. Those submitting written testimony at the meeting should bring **fourteen (14)** copies for distribution. Testimony may also be submitted (1) by mail to the County Clerk's Office in Hilo at 25 Aupuni St., Hilo, Hawai'i, 96720; (2) by facsimile to (808) 961-8912; or (3) by e-mail to counciltestimony@co.hawaii.hi.us. **Please submit separate testimony for each item.** For testimony received via e-mail or fax, copies will be distributed at the meeting when transmitted in a timely manner. All oral and written testimony will be made a part of the public record.

Viewing of Meetings on Government Access Television - Channel 52:

Wednesday's, September 3 and 10, 2008, at 6 p.m.; and Sunday, September 7, 2008, at 10:30 a.m.

UPCOMING MEETINGS

	<u>TUESDAY, SEPTEMBER 9, 2008</u>	
COMMITTEES	TBA	SHERATON KEAUHOU BAY RESORT & SPA

	<u>WEDNESDAY, SEPTEMBER 10, 2008</u>	
COUNCIL	TBA	SHERATON KEAUHOU BAY RESORT & SPA

	<u>TUESDAY, SEPTEMBER 23, 2008</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO 333 Kilauea Avenue Ben Franklin Building Second Floor

COUNCIL

WEDNESDAY, SEPTEMBER 24, 2008

TBA

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