COUNTY COUNCIL

County of Hawai‘i
Hawai‘i County Building
25 Aupuni Street
Hilo, Hawai‘i 96720

3rd Session

ORDER OF BUSINESS

Hawai‘i County Building
25 Aupuni Street
Hilo, Hawai‘i

January 5, 2017
9:00 a.m.

(Note: Please turn all communication devices to silent mode.)

INVOCATION
Reverend Bryan Siebuhr of Honpa Hongwanji Hilo Betsuin

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE
PETITIONS, MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

(NOTE: COUNCIL MAY TAKE A LUNCH BREAK CLOSE TO THE NOON HOUR.)

APPROVAL OF MINUTES

COMMUNICATIONS

Comm. 30: APPOINTMENT OF MICHAEL YEE AS PLANNING DIRECTOR
From Mayor Harry Kim, dated December 13, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: PC
Confirm by: February 2, 2017 (Section 13-8, Hawai‘i County Charter)

Comm. 31: APPOINTMENT OF COLLINS TOMEI AS FINANCE DIRECTOR
From Mayor Harry Kim, dated December 13, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: FC
Confirm by: February 2, 2017 (Section 13-8, Hawai‘i County Charter)

Comm. 32: APPOINTMENT OF DIANE LEY AS RESEARCH AND DEVELOPMENT DIRECTOR
From Mayor Harry Kim, dated December 13, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: GREDC
Confirm by: February 2, 2017 (Section 13-8, Hawai‘i County Charter)
Comm. 33: APPOINTMENT OF JULES UNG AS INFORMATION TECHNOLOGY DIRECTOR
From Mayor Harry Kim, dated December 13, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: GRED
Confirm by: February 2, 2017 (Section 13-8, Hawai‘i County Charter)

Comm. 34: APPOINTMENT OF FRANK DEMARCO AS PUBLIC WORKS DIRECTOR
From Mayor Harry Kim, dated December 13, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: PWPRC
Confirm by: February 2, 2017 (Section 13-8, Hawai‘i County Charter)

Comm. 35: APPOINTMENT OF CHARMAINE KAMAKA AS PARKS AND RECREATION DIRECTOR
From Mayor Harry Kim, dated December 13, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: PWPRC
Confirm by: February 2, 2017 (Section 13-8, Hawai‘i County Charter)

Comm. 36: APPOINTMENT OF WILLIAM KUCHARSKI AS ENVIRONMENTAL MANAGEMENT DIRECTOR
From Mayor Harry Kim, dated December 13, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: EMC
Confirm by: February 2, 2017 (Section 13-8, Hawai‘i County Charter)
ORDER OF RESOLUTIONS

Res. 23-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE HAWAI‘I ISLE POLICE ACTIVITIES LEAGUE (HI-PAL) BOXING PROGRAM IN WEST HAWAI‘I

Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Police Department, HI-PAL Other Current Expenses account.

Reference: Comm. 20
Intr. by: Ms. Eoff

Res. 24-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR THREE TRUCKAT TRUCK-MOUNTED MOWERS WITH MULCHING UNIT ATTACHMENTS

Authorizes the Mayor to enter into a five-year agreement for three Truckat truck-mounted mowers to be used by the Department of Public Works, Highways Division, in Kohala, Kona, and Puna.

Reference: Comm. 21
Intr. by: Ms. Eoff (B/R)
Waived: FC

Res. 25-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE DANIEL R. SAYRE MEMORIAL FOUNDATION TO ASSIST THE HAWAI‘I FIRE DEPARTMENT WITH REFURBISHING ITS RADON RESCUE BOAT

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Hawai‘i Fire Department, Protection Other Current Expenses account.

Reference: Comm. 23
Intr. by: Ms. Poindexter
Res. 26-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE HONOMÛ COMMUNITY CHRISTMAS CELEBRATION

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Parks and Recreation, Recreation Division Other Current Expenses account.

Reference: Comm. 24
Intr. by: Ms. Poindexter

Res. 27-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE HᾹMᾹKUA SENIORS FIRE SAFETY EDUCATION FAIR

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Parks and Recreation, Elderly Activities Division Other Current Expenses account.

Reference: Comm. 25
Intr. by: Ms. Poindexter

Res. 28-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE MALAMA KAI FOUNDATION TO ASSIST THE WEST HAWAIʻI FISHERY COUNCIL’S EFFORTS TO PROTECT AND PRESERVE THE WEST HAWAIʻI COAST

Transfers $2,666 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 26
Intr. by: Ms. Eoff
Res. 29-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE MALAMA KAI FOUNDATION TO ASSIST THE WEST HAWAI‘I FISHERY COUNCIL WITH PROTECTING AND PRESERVING THE COAST OFF OF WEST HAWAI‘I

Transfers $2,666 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 27
Intr. by: Ms. David

Res. 30-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE HAWAI‘I COUNTY ECONOMIC OPPORTUNITY COUNCIL TO HELP DEFRAY EXPENSES RELATED TO THE HILO DOWNTOWN IMPROVEMENT ASSOCIATION’S 2016 DOWNTOWN HILO CHRISTMAS LIGHTS PROJECT

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Research and Development, Business Development account.

Reference: Comm. 28
Intr. by: Mr. Chung

Res. 32-17: AUTHORIZES THE ACCEPTANCE OF A DONATION OF SUPPLIES, EQUIPMENT AND EQUIPMENT REPAIR FOR USE BY THE HAWAI‘I FIRE DEPARTMENT’S RESCUE AND OCEAN SAFETY PROGRAMS

Donated by the Daniel Sayre Memorial Foundation, with an estimated total value of $81,308.30, to be used by the Hawai‘i Fire Department.

Reference: Comm. 41
Intr. by: Ms. David (B/R)
Waived FC
Res. 33-17:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR MAINTENANCE AGREEMENT FOR THE DEPARTMENT OF PUBLIC WORKS  
Authorizes the Mayor to enter into a five-year maintenance agreement for a new large format color plotter/copier/scanner being purchased by the Department of Public Works, Traffic Division in Hilo.  
Reference: Comm. 42  
Intr. by: Ms. David (B/R)  
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 3:  

Increases revenues in the Federal Grants – State Homeland Security Program Fiscal Year 16 account ($200,000); and appropriates the same to the State Homeland Security Program Fiscal Year 16 account. Funds would be used to purchase specialized equipment to enhance the County’s capability to prevent and respond to incidents of terrorism and other hazards.

Reference: Comm. 22  
Intr. by: Ms. Eoff (B/R)  
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 255:  
AMENDS ORDINANCE NO. 16-73, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016, TO JUNE 30, 2017

Adds the Parks and Recreation Pana‘ewa Equestrian Center Repairs/Improvements - County project for $150,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources ($150,000). Funds would be used for renovations, improvements, and upgrades to the Pana‘ewa Equestrian Center.

Reference: Comm. 1150  
Intr. by: Ms. Eoff  
First Reading: December 21, 2016  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 257
(Draft 2):  
(2014-2016)  
AMENDS SECTION 25-8-26 (PĀHOA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO VILLAGE COMMERCIAL – 10,000 SQUARE FEET (CV-10) AT WAIAKAHIULA, PUNA, HAWAIʻI, COVERED BY TAX MAP KEY: 1-5-002:027 AND 1-5-114:020 (POR.)  
(Applicant: Paul Ogasawara) (Area: 29,837 square feet)  
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would confirm the existing gas station and auto repair activities on the property as well as increase the auto repair area.  
Reference: Comm. 1153.2  
Intr. by: Mr. Ilagan  
First Reading: December 21, 2016

Bill 258:  
(2014-2016)  
AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 10,000 SQUARE FEET (CN-10) AT WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-2-040:004  
(Applicants: Robert S. and Carol Oshiro) (Area: 1 acre)  
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow for the construction of a new 2,280 square foot restaurant.  
Reference: Comm. 1154  
Intr. by: Mr. Ilagan (B/R)  
First Reading: December 21, 2016
Bill 259:  (2014-2016)

AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 10,000 SQUARE FEET (CN-10) AT WAIĀKEA HOMESTEADS HOUSE LOTS, WAIĀKEA, HAWAIʻI, COVERED BY TAX MAP KEY: 2-2-040:108
(Applicant: Kristen Mahnke) (Area: approx. 16,315 square feet)
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to develop an approximately 3,000 square foot single-story office building for either rental or personal use.

Reference: Comm. 1155
Intr. by: Mr. Ilagan (B/R)
First Reading: December 21, 2016

Bill 260:  (2014-2016)

AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – TWENTY ACRES (A-20a) TO FAMILY AGRICULTURAL – TWO ACRES (FA-2a) AT PONAHAWAI, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-5-047:031
(Applicant: John K. and Lori L. Kai) (Area: 9.323 acres)
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to subdivide the property into four parcels of approximately two acres each. The applicants state they will live on one parcel that has an existing home and reserve the other parcels for their immediate family.

Reference: Comm. 1156
Intr. by: Mr. Ilagan (B/R)
First Reading: December 21, 2016

Bill 267:  (2014-2016)

AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS
Amends Schedule 5 (35 mile per hour limit) by revising a portion of Kuakini Highway, Subsection (f), Kona.

Reference: Comm. 1177
Intr. by: Ms. Poindexter
First Reading: December 21, 2016
Bill 268:  
**AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS**  
Amends Schedule 8 (45 mile per hour limit) by revising a portion of Kuakini Highway, Subsection (f), Kona.  
Reference: Comm. 1178  
Intr. by: Ms. Poindexter  
First Reading: December 21, 2016

Bill 1:  
**AMENDS ORDINANCE NO. 16-72, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2017**  
Increases revenues in the Federal Grants – Traffic Safety Training Project account ($121,444.70); and appropriates the same to the Traffic Safety Training Project account. These funds would bring the total amount of the State Department of Transportation’s Highway Safety Grant to $136,444.70 and would be used by the Prosecuting Attorney’s Office.  
Reference: Comm. 13  
Intr. by: Ms. Eoff (B/R)  
First Reading: December 21, 2016

REPORTS

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to Hawai‘i Revised Statutes, Section 92-4, and Rule Nos. 2 and 10 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

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 places are accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by **January 3, 2017**. Relay users please call 711(961-8255) to contact our office.
Public attendance via courtesy site is available at the following locations until 4:30 p.m. or later in the event public testimony has not been completed:

- Kona Council Office, West Hawai‘i Civic Center, 74-5044 Ane Keohokālole Highway, Building A.

Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

If, due to unanticipated circumstances, the courtesy site is unavailable and/or participation is disrupted, the scheduled meeting will continue.

Live stream of County Council Meetings: Council meetings are available for live viewing. Click on Council Meetings on the County’s homepage at [http://www.hawaiicounty.gov](http://www.hawaiicounty.gov).

Copies of this agenda and items listed on the agenda are available on the County Council-Clerk web page at [http://www.hawaiicounty.gov/lb-council-meeting](http://www.hawaiicounty.gov/lb-council-meeting). For further information, please call 961-8255.

Submitting Written Testimony: Those submitting written testimony at the meeting should bring fourteen (14) copies for distribution. Public testimony may also be submitted before 12:00 noon on the business day prior to the meeting: (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@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may e-mail a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The e-mail shall indicate the appropriate Committee or Council meeting, the meeting date, agenda item (communication, bill, resolution, or report number), and number of testifiers on the video submittal. Each video submittal shall be limited to a single agenda item. Video submittals may contain up to three individual testifiers and shall each be up to three minutes in length. Video testimony will not be played during the meeting; however, it will be distributed to Council Members prior to the meeting. The Office of the County Clerk reserves the right to refuse testimony containing inappropriate content or that is not in compliance with Council Rule 13 (Public Statements and Testimony).

Viewing of Meetings on Government Access Television - Channel 55: Fridays, January 13 and 20, 2017, at 12 p.m.; Sundays, January 15 and 22, 2017, at 9 a.m.; and Wednesdays, January 18 and 25, 2017, at 6 p.m. (These airtimes are subject to preemption by broadcasts from the State Legislature, and are subject to change by Na Leo ‘O Hawai‘i. Please check the current legislative broadcast schedule on the Na Leo ‘O Hawai‘i website at [http://www.naleo.tv/tv-schedules/channel-55/](http://www.naleo.tv/tv-schedules/channel-55/).)