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

2nd Session

ORDER OF BUSINESS

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

December 21, 2016
9:00 a.m.

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

INVOCATION
Pastor Dean Stanley of Kona Baptist Church

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. 18: APPOINTMENT OF WILFRED OKABE AS MANAGING DIRECTOR
From Mayor Harry Kim, dated December 7, 2016, submitting for the Council’s review and confirmation the above appointment.

Waived: GREDC
Requires Council Confirmation by: February 2, 2017

ORDER OF RESOLUTIONS

Res. 683-16: (2014-2016) URGES THE COUNTY TO ESTABLISH EDUCATIONAL PROGRAMS TO REDUCE LAND-BASED CONTRIBUTIONS TO MARINE DEBRIS, AS RECOMMENDED BY THE HAWAI‘I ISLAND PACKAGING SUSTAINABILITY INITIATIVE STAKEHOLDERS TASK FORCE
Requests that sufficient funds be budgeted in future years for these programs.

Reference: Comm. 1113
Intr. by: Ms. Wille
Approve: EMC-8

Res. 684-16: (2014-2016) URGES THE COUNTY TO JOIN MALAMA 808 AND ENCOURAGE THE USE OF LITTERATI, AS RECOMMENDED BY THE HAWAI‘I ISLAND PACKAGING SUSTAINABILITY INITIATIVE STAKEHOLDERS TASK FORCE
Malama 808 and Literatti promote reduction and management of potential waste to decrease litter and its associated detrimental impacts to land and water.

Reference: Comm. 1114
Intr. by: Ms. Wille
Approve: EMC-9
Res. 708-16: (2014-2016) URGES THE COUNTY OF HAWAI‘I TO ENCOURAGE MANUFACTURING OF PACKAGING ON HAWAI‘I ISLAND THAT IS ALIGNED WITH THE INTEGRATED RESOURCE SOLID WASTE MANAGEMENT PLAN (IRSWMP) AND ZERO WASTE POLICIES

Encourages production of packaging as provided in Section 4.5.11 of the IRSWMP in order to achieve goals of zero waste.

Reference: Comm. 1146
Intr. by: Mr. Paleka
Approve: EMC-10

Res. 709-16: (2014-2016) REQUESTS THE DEPARTMENTS OF ENVIRONMENTAL MANAGEMENT AND RESEARCH AND DEVELOPMENT TO INITIATE A FEASIBILITY IMPACT STUDY RELATING TO EXTENDED PRODUCER RESPONSIBILITY AND INCENTIVES

Requests that adequate staff and funding be provided for the feasibility study and that it be submitted for Council review by July 1, 2018.

Reference: Comm. 1147
Intr. by: Mr. Paleka
Approve: EMC-11


Grants a sign variance to Waikoloa Development Company for a ground sign measuring 36 square feet in area.

Reference: Comm. 1179
Intr. by: Ms. Poindexter
Approve: PWPRC-55
**Res. 13-16:**

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 WEST HAWAI‘I VETERANS CEMETERY DEVELOPMENT AND EXPANSION ASSOCIATION, INC., TO PAY FOR COLUMBARIUM VASE FIXTURES

Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 2

Intr. by: Ms. Eoff

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**Res. 14-16:**

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 COOPER CENTER COUNCIL TO ASSIST WITH ITS FRIENDS FEEDING FRIENDS COMMUNITY DINNER EVENT

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 3

Intr. by: Ms. David

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**Res. 15-16:**

TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ST. JOSEPH SCHOOL FOR THE 2017 ST. JOSEPH HIGH SCHOOL PROJECT GRAD NIGHT

Transfers $300 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 4

Intr. by: Mr. Chung
Res. 16-16: 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 WAIĀKEA HIGH SCHOOL PARENT TEACHER STUDENT ASSOCIATION FOR THE 2017 WAIĀKEA HIGH SCHOOL PROJECT GRAD NIGHT
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 5
Intr. by: Mr. Chung

Res. 17-16: 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 HILO HIGH SCHOOL FOUNDATION FOR THE 2017 HILO HIGH SCHOOL PROJECT GRAD NIGHT
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 6
Intr. by: Mr. Chung

Res. 18-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE A KILN FOR THE SENIOR CITIZENS CERAMIC CLASS AT THE NĀ‘ĀLEHU COMMUNITY CENTER
Transfers $4,528 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Parks and Recreation, Elderly Activities Division Special Program Equipment account.

Reference: Comm. 8
Intr. by: Ms. David
Res. 19-16: 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 REFURBISH THE HAWAI‘I FIRE DEPARTMENT’S RADON RESCUE BOAT

Transfers $4,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Hawai‘i Fire Department, Protection-Other Current Expenses account.

Reference: Comm. 9
Intr. by: Ms. David

Res. 20-16: 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 WITH RESTORATION EXPENSES FOR THE HAWAI‘I FIRE DEPARTMENT’S FRONT LINE RADON RESCUE BOAT

Transfers $4,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Hawai‘i Fire Department, Protection-Other Current Expenses account.

Reference: Comm. 10
Intr. by: Mr. Kanuha

Res. 21-16: 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 WITH RESTORATION EXPENSES FOR THE HAWAI‘I FIRE DEPARTMENT’S FRONT LINE RADON RESCUE BOAT

Transfers $4,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Hawai‘i Fire Department, Protection-Other Current Expenses account.

Reference: Comm. 11
Intr. by: Ms. Eoff
Res. 22-16: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HILO MEDICAL CENTER (HMC), PURSUANT TO HAWA‘I REVISED STATUTES SECTION 46-7, TO PROVIDE TRAINING COURSES FOR HAWA‘I FIRE DEPARTMENT PARAMEDICS. American Heart Association courses will be taught at HMC’s Simulation Learning and Training Center.

Reference: Comm. 12
Intr. by: Ms. Eoff (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST 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

(2014-2016) 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
Approve: FC-83
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 257 AMENDS SECTION 25-8-26 (PĀHOA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWA‘I 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 WAIKAIHULU, PUNA, HAWA‘I, COVERED BY TAX MAP KEY: 1-5-002:027 AND 1-5-114:020 (POR.)

(Draft 2) (2014-2016) (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
Approve: PC-81
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)
Approve: PC-82

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)
Approve: PC-83

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)
Approve: PC-84

Bill 267: (2014-2016) AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI'I 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
Approve: PWPRC-56


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
Approve: PWPRC-57

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)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 261: 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

Establishes the following program appropriations to the Capital Budget: Roadway Projects (Engineering) ($526,763.76); and Bridge Inspection, Repair, and Replacement Program (Engineering) ($277,748.11). Funds for these appropriations shall be provided from the lapsed Fuel Tax Increase funds in the Capital Projects Fund. Exhibit A, attached to the bill, lists the specific projects in each category.

Reference: Comm. 1162
Intr. by: Ms. Eoff
First Reading: November 16, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
**Bill 262:**
(2014-2016)

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

Establishe the following program appropriations to the Capital Budget: TEA-21 Projects (Federal Aid) ($108,311.10) and Local Road Improvements ($108,311.10). Funds for these appropriations shall be provided from fuel tax revenue in excess of what was projected in Ordinance 15-23. Exhibit A, attached to the bill, lists the specific projects in each category.

Reference: [Comm. 1163](#)
Intr. by: Ms. Eoff
First Reading: November 16, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

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**Bill 263:**
(2014-2016)


Appropriates revenues in the Fund Balance From Previous Year - Reserved account ($220,565.72); and appropriates the same to the Transfer to Capital Projects Fund - Highway account. These fiscal year 2015-2016 excess fuel tax revenues would be expended by the Department of Public Works.

Reference: [Comm. 1164](#)
Intr. by: Ms. Eoff
First Reading: November 16, 2016
Bill 264: (2014-2016)

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

Establishes the following program appropriations to the Capital Budget: Roadway Projects (Engineering) ($2 million); Bridge Inspection, Repair, and Replacement Program (Engineering) ($1.4 million); and Local Road Improvements (Highways) ($3.4 million). Funds for these appropriations shall be provided from the portion of the Highway Fund which is designated as the Fuel Tax Increase Account No. 3104.06, and which consists of the increase fuel tax revenues created pursuant to Resolution No. 504-08. Exhibit A, attached to the bill, lists the specific projects in each category.

Reference: Comm. 1165
Intr. by: Ms. Eoff
First Reading: November 16, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

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 December 19, 2016. Relay users please call 711(961-8255) to contact our office.

Public attendance via courtesy site is available at the following location until 4:30 p.m. or later in the event public testimony has not been completed:
- Hilo Council Chambers, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401.
Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nāʻālehu State Office Building, 95-5669 Māmalahoa Highway, Nāʻālehu;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapaʻau; 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.

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. 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).

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Wednesdays, December 28, 2016, and January 04, 2017, at 6 p.m.; Fridays, December 30, 2016, and January 6, 2017, at 12 p.m.; and Sundays, January 1 and 8, 2017, at 9 a.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/.)