COUNTY COUNCIL

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

8th Session

ORDER OF BUSINESS

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

March 18, 2015
9:00 a.m.

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

INVOCATION
Pastor Bruce Pratt of Cornerstone Christian Fellowship

CALL TO ORDER

ROLL CALL

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

Gunner Mench: Presentation of a Certificate of Merit Sponsored by Council Member Margaret Wille recognizing Gunner Mench for his achievements and contributions within the community.

Reference: Comm. 94

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (9:15 A.M.)

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

APPROVAL OF MINUTES

COMMUNICATIONS

Comm. 172: NOMINATION OF WESLEY T. TAKAI TO THE TAX BOARD OF REVIEW
From Mayor William P. Kenoi, dated February 11, 2015, submitting for the Council’s review and confirmation the above nomination.

Waived: FC

ORDER OF RESOLUTIONS

Res. 91-15: ACCEPTS THE NEGOTIATED LEASE AGREEMENT FOR HĀMĀKUA LANDS IDENTIFIED AS TAX MAP KEYS: 4-3-009: 055, 056, 057, AND 058 WITH CROWN PACIFIC INTERNATIONAL LLC, PURSUANT TO SECTION 2-114 OF THE HAWAI‘I COUNTY CODE
Resolution 38-11 authorized the lease of certain County of Hawai‘i owned lands and required that the negotiated lease agreement for those lands be accepted by the County Council. The above parcels consist of 66.416 acres, and would be leased for 10 years at $3,320.80 per year, with an option of two additional 10-year terms.

Reference: Comm. 135
Intr. by: Ms. Eoff
Approve: FC-9
Res. 95-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE CRUISE PARADISE 2015

Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits the same to the Department of Parks and Recreation Culture/Arts Other Current Expenses, Miscellaneous Contract Services account (Cruise Paradise 2015). Funds would be used to pay for festivity costs associated with the 10-day car event to be held June 25 through July 5, 2015.

Reference: Comm. 149
Intr. by: Ms. Poindexter

Res. 96-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE A COMMERCIAL STOVE FOR THE KOHALA INTERGENERATIONAL BUILDING

Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits the same to the Department of Parks and Recreation, Elderly Activities Division Recreation Equipment, Miscellaneous Equipment account (Kohala Intergenerational Building – Commercial Stove).

Reference: Comm. 150
Intr. by: Ms. Wille

Res. 97-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO IMPROVE AND EXPAND THE KONA SKATEPARK

Transfers/appropriates $25,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits the same to the Department of Parks and Recreation, Transfer to Capital Project Fund account (Discretionary Projects – Council District 7 – Kona Skatepark).

Reference: Comm. 158
Intr. by: Mr. Kanuha
Res. 98-15:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO EXPAND AND IMPROVE THE KAILUA SKATEPARK
Transfers/appropriates $25,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits the same to the Department of Parks and Recreation, Transfer to Capital Project Fund account (Discretionary Projects – Council District 7 – Kailua Skatepark).

Reference: Comm. 159
Intr. by: Ms. Eoff

Res. 99-15:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR TRANSPORTATION EXPENSES FOR THE NORTH KOHALA SENIOR PROGRAM
Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits the same to the Department of Parks and Recreation, Elderly Activities Division Recreation Other Current Expenses, Miscellaneous Contract Services account (North Kohala Seniors – Transportation). Funds would be used to pay for transportation expenses for three excursions.

Reference: Comm. 160
Intr. by: Ms. Wille

Res. 100-15:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO REPAIR THE AIR CONDITIONER AT THE NORTH KOHALA SENIOR CENTER
Transfers/appropriates $2,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits the same to the Department of Parks and Recreation, Elderly Activities Division Recreation Other Current Expenses, Equipment Repairs/Maintenance account (North Kohala Senior Center Air Conditioner).

Reference: Comm. 161
Intr. by: Ms. Wille
**Res. 101-15:**
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ANEKONA OULI KANEHOA VFD COMPANY FOR THE DEVELOPMENT OF AN APPARATUS GARAGE

Transfers/appropriates $3,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits the same to the Hawai‘i Fire Department, Training and Volunteer Fire Other Current Expenses, Building and Construction Materials account (Anekona Ouli Kanehoa VFD Company). Funds would be used to develop an apparatus garage for storage and maintenance of vehicles and equipment to be used by the Hawai‘i Fire Department and its local volunteer company 9 Bravo.

Reference: Comm. 162
Intr. by: Ms. Wille

**Res. 102-15:**
APPROVES PARTICIPATION BY THE HAWAI‘I STATE ASSOCIATION OF COUNTIES IN THE NATIONAL ASSOCIATION OF COUNTIES’ (NACo) DENTAL PROGRAM

Requires approval of the marketing agreement (Exhibit B) by HSAC’s member counties. NACo would provide a dental discount card for member counties and state associations of counties to offer to residents.

Reference: Comm. 165
Intr. by: Ms. Poindexter
Waived: GREDC

**Res. 103-15:**
AUTHORIZES THE HAWAI‘I COUNTY POLICE DEPARTMENT TO AWARD FUNDS TO THE HAWAI‘I ISLAND ECONOMIC DEVELOPMENT BOARD (HIEDB)

A grant in the amount of $150,000 would be used by the HIEDB to supplement the construction of a police memorial for fallen officers at a site located at the Hilo police station.

Reference: Comm. 167
Intr. by: Ms. Eoff
Waived: FC
Res. 106-15:  
CREATES TWO POLICE OFFICER II POSITIONS FOR THE HAWAI‘I COUNTY POLICE DEPARTMENT
The positions would be under the Department’s Community Oriented Policing Services Hiring Program and partially funded by a $250,000 grant from the United States Department of Justice. One position would be based at the Waimea Middle School and the other at Kea‘au Middle School.

Reference: Comm. 171
Intr. by: Ms. Eoff
Waived: FC

Res. 108-15:  
GRANTS A VARIANCE FROM CHAPTER 3, SECTION 3-12(a), HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), TO ALLOW ONE DIRECTORY SIGN ON 45-547 PLUMERIA STREET, HONOKA‘A, HAWAI‘I, 96727, TAX MAP KEY: 4-5-010:091 (ZONED “A-1a & A-40a” AGRICULTURAL DISTRICT)
The applicant, University of Hawai‘i-Hilo North Hawai‘i Education & Research Center, requests a sign variance for one ground sign to be placed at the corner of Plumeria and Lehua Streets in Honoka‘a.

Reference: Comm. 174
Intr. by: Ms. Poindexter
Waived: PWPRC

Res. 109-15:  
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KALANI HONUA TO PURCHASE SUPPLIES AND EQUIPMENT FOR A GROCERY MARKET THAT WILL SERVICE THE DISTRICT OF PUNA AND THE COMMUNITY AT LARGE
Transfers/appropriates $10,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Department of Research and Development, Hawai‘i County Resource Center, Miscellaneous Contract Services account (Kalani Honua – Grocery Market). Funds would be used to assist in the launch of a new grocery market that would provide local produce from area farmers and bulk products.

Reference: Comm. 175
Intr. by: Mr. Paleka
Res. 110-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE DIVINE MERCY FAMILY FOUNDATION TO ESTABLISH A GONGFUBALL SPORTS CLUB IN PUNA

Transfers/appropriates $5,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Department of Parks and Recreation, Parks and Recreation Administration Other Current Expenses, Miscellaneous Contract Services account (Divine Mercy Family Foundation). Funds would be used to pay for supplies, equipment, promotional materials, and instructor fees.

Reference: Comm. 176
Intr. by: Mr. Paleka

Res. 111-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE BIG ISLAND RESOURCE CONSERVATION & DEVELOPMENT COUNCIL TO ASSIST WITH EXPENSES RELATED TO TRANSPORTATION AND MEALS FOR PHILIPPINE CULTURAL DANCE GROUP, KAYA MANAN NG LAHI

Transfers/appropriates $2,500 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Department of Research and Development, Tourism Promotion, Miscellaneous Contract Services account (Big Island Resource Conservation and Development Council). Funds would be used to offset costs for transportation, meals, and other associated expenses for performances at the 52nd Annual Merrie Monarch Festival and University of Hawai‘i at Hilo.

Reference: Comm. 177
Intr. by: Mr. Paleka

Res. 112-15: URGES THE HAWAI‘I STATE LEGISLATURE TO PASS SENATE BILL NO. 1344 AND HOUSE BILL NO. 1491, RELATING TO CAMPAIGN SPENDING

Urges the passing of both bills to support increased transparency and accountability in the electoral process regarding the funding sources for SuperPACs.

Reference: Comm. 178
Intr. by: Mr. Ilagan
Waived: GREDC
BILLS FOR ORDINANCES (FIRST READING)

The Leeward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicants to create a parcel that would be given to their daughter to build a residence.

Reference: Comm. 123
Intr. by: Mr. Ilagan
Approve: PC-13

Increases revenues in the Real Property Tax Sale Cost & Expense account ($200,000); and appropriates the same to the Real Property Tax Sale Cost & Expense account. Funds would be used to accommodate a third real property tax foreclosure tax sale in Fiscal Year 2014-2015.

Reference: Comm. 136
Intr. by: Ms. Eoff
Approve: FC-10

Bill 30: AMENDS ORDINANCE NO. 14-82, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014, TO JUNE 30, 2015
Adds the Parks and Recreation Pana‘ewa Zoo and Gardens project for $136,294.07 to the Capital Budget. Funds for the project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources. Funds would be used to purchase equipment to complete the children’s playground at the zoo.

Reference: Comm. 166
Intr. by: Ms. Eoff
Waived: FC
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 31: AMENDS ORDINANCE NO. 14-82, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014, TO JUNE 30, 2015

Adds the Parks and Recreation Hilo Bayfront Trails - Federal project for $345,743 to the Capital Budget. Funds for the project shall be provided from Federal Grants Receivable. Funds would be used to construct a paved multi-purpose path along Hilo Bayfront.

Reference: Comm. 170
Intr. by: Ms. Eoff
Waived: FC
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 282: AMENDS CHAPTER 25, ARTICLE 3, SECTION 25-3-2, ARTICLE 4, SECTION 25-4-59.2, AND ARTICLE 7 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO THE ESTABLISHMENT OF A SPECIAL DISTRICT TO BE KNOWN AS THE PĀHOA VILLAGE DESIGN (PVD) DISTRICT TO INCLUDE ADOPTED DESIGN GUIDELINES AND A DESIGN REVIEW COMMITTEE, AND PROVIDING AN EXCEPTION TO OFF-STREET PARKING AND LOADING REQUIREMENTS FOR SAID SPECIAL DISTRICT (Planning Director Initiated)

The Windward Planning Commission forwards its favorable recommendation for this amendment to the Zoning Code, which provides a process for community review of project applications and plan, and to provide distinct requirements for Off-Street Parking and Loading in the proposed PVD District.

Reference: Comm. 1027
Intr. by: Mr. Kern (B/R)
First Reading: March 4, 2015
Bill 283:
(2012-2014)
AMENDS CHAPTER 25, ARTICLE 2, DIVISION 7 AND ARTICLE 6, DIVISION 1 OF THE HAWA’I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO REVIEW OF DEVELOPMENT PROJECTS PROPOSED WITHIN A SPECIAL DISTRICT (Planning Director Initiated)
The Windward and Leeward Planning Commissions forward their favorable recommendation for this amendment to the Zoning Code, which would create a process within the Zoning Code that requires the Planning Director to review and consult with a local design review committee for certain land use permit applications situated within a special district to promote consistency with applicable adopted design guidelines and/or standards.

Reference: Comm. 1028
Intr. by: Mr. Kern (B/R)
First Reading: March 4, 2015

Bill 291:
(2012-2014)
AMENDS CHAPTER 3 OF THE HAWA’I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO REGULATION OF SIGNS IN THE PĀHOA VILLAGE DESIGN DISTRICT
Sets forth the requirements and procedures for obtaining a permit for signage within the Pāhoa Village Design District. Also establishes the review process for sign permit applications.

Reference: Comm. 1044
Intr. by: Mr. Kern (B/R)
First Reading: March 4, 2015

REPORTS

FC-11
(Comm. 138):
NOMINATION OF KENNETH G. GOODENOW TO THE BOARD OF ETHICS
From Mayor William P. Kenoi, dated February 11, 2015, submitting for the Council’s review and confirmation the above nomination.

PC-9
(Comm. 139):
NOMINATION OF DONN K. DELA CRUZ TO THE WINDWARD PLANNING COMMISSION
From Mayor William P. Kenoi, dated February 11, 2015, submitting for the Council’s review and confirmation the above nomination.

PC-10
(Comm. 142):
NOMINATION OF OLIVER S. SHIMAOKA TO THE LEEWARD PLANNING COMMISSION
From Mayor William P. Kenoi, dated February 11, 2015, submitting for the Council’s review and confirmation the above nomination.
PC-11
(Comm. 145):

NOMINATION OF BRYANT K. BALOG TO THE WATER BOARD

From Mayor William P. Kenoi, dated February 11, 2015, submitting for the Council’s review and confirmation the above nomination.

PC-12
(Comm. 146):

NOMINATION OF SCOTT E. CHURCH TO THE LEEWARD PLANNING COMMISSION

From Mayor William P. Kenoi, dated February 11, 2015, submitting for the Council’s review and confirmation the above nomination.

AWESC-1
(Comm. 141):

NOMINATION OF NANILOA K. POGLINE TO THE GAME MANAGEMENT ADVISORY COMMISSION

From Mayor William P. Kenoi, dated February 11, 2015, submitting for the Council’s review and confirmation the above nomination.

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 March 16, 2015.  Relay users please call 711(961-8255) to contact our office.

Notice is hereby given that pursuant to Hawai‘i Revised Statutes (hereinafter “HRS”) §92-3.5, the Hawai‘i County Council will be conducting this meeting via videoconference.  If audio stream between Kona and Hilo is lost for more than a short period of time, the meeting will be terminated.  Council Members will be present at the following location:

- Hilo Council Chambers, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401.  
  (Pursuant to HRS §92-7 and Council Rule No. 2, Council Member Greggor Ilagan will be participating from the Hilo Council Chambers.)
Public attendance via videoconference will be available at the Hilo location.

Public attendance via videoconference is also available at the following location until 4:30 p.m. or later in the event public testimony has not been completed:

- Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

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

- County Facility (former Bank of Hawai‘i Building), 54-3888 Akoni Pule Highway, Kohala;
- Hawaiian Ocean View Estates Community Center, 92-8924 Leilani Circle; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

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).

Viewing of Meetings on Government Access Television - Channel 55: Wednesdays, March 25 and April 1, 2015, at 6 p.m.; Fridays, March 27 and April 3, 2015, at 12 p.m.; and Sundays, March 29 and April 5, 2015, 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/.)
UPCOMING MEETINGS

TUESDAY, MARCH 31, 2015

COMMITTEES        TBA           COUNCIL ROOM - HILO
                  25 Aupuni Street

WEDNESDAY, APRIL 1, 2015

COUNCIL            9:00 A.M.      COUNCIL ROOM - HILO
                  25 Aupuni Street

TUESDAY, APRIL 14, 2015

COMMITTEES        TBA           WEST HAWAI‘I CIVIC CENTER
                  74-5044 Ane Keohokālōle Highway
                  Building A

WEDNESDAY, APRIL 15, 2015

COUNCIL            9:00 A.M.      WEST HAWAI‘I CIVIC CENTER
                  74-5044 Ane Keohokālōle Highway
                  Building A