COUNTY COUNCIL

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

20th Session

ORDER OF BUSINESS

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

August 21, 2019

9:00 a.m.

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

INVOCATION
Rabbi Levi Gerlitzky of Chabad Jewish Center

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Hawai‘i County is an Equal Opportunity Provider and Employer
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    July 9, 2019

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 92-19: GRANTS A VARIANCE FROM CHAPTER 3, ARTICLE 1, DIVISION 4, SECTION 3-6(b)(3), AND CHAPTER 3, ARTICLE 2, DIVISION 2, SECTIONS 3-58(b), 3-58(c), AND 3-60(a), OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), TO ALLOW TWO WALL SIGNS AND TWO DIRECTIONAL SIGNS ON 75-146 SARONA ROAD, TAX MAP KEY: 7-5-007:009

Grants a sign variance to Kona Hospitality for two wall signs and two ground directional signs for the Holiday Inn Express and Suites.

Reference: Comm. 155.2
Intr. by: Ms. Lee Loy (B/R)
Approve: PWMTC-16

Res. 219-19: ESTABLISHES A HAWAI‘I COUNTY APIARY STAKEHOLDER WORKING GROUP

The working group would examine challenges in the beekeeping industry, and provide findings and recommendations to the County Council through a proposed ordinance to amend Chapter 4 (Animals) and Chapter 25 (Zoning) of the Hawai‘i County Code.

Reference: Comm. 364
Intr. by: Ms. Kierkiewicz
Approve: AWEEMC-7

Authorizes the Mayor to enter into five-year lease agreements with an option for an additional five years with Kaneshiro & Sons Enterprise, Limited and Glenn Kaneshiro Partnership, to allow for the continued occupancy of warehouse space located at 1990 Kino‘ole Street in Hilo.

Reference: Comm. 387
Intr. by: Ms. David (B/R)
Approve: FC-46

Res. 240-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HONOKA‘A HONGWANJI MISSION FOR THE 13TH ANNUAL PARADE AND FESTIVAL FOR THE UNITED NATIONS INTERNATIONAL DAY OF PEACE

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

Reference: Comm. 393
Intr. by: Ms. Poindexter

Res. 241-19: 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 PURCHASE CITRIC ACID TO HELP CONTROL COQUI FROGS IN COUNCIL DISTRICT 2

Transfers $2,600 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 394
Intr. by: Mr. Chung
Res. 242-19:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE HAWAI‘I FIRE DEPARTMENT TO ACQUIRE EQUIPMENT TO RESPOND TO EMERGENCY AND HAZMAT INCIDENTS
Transfers $8,000 from the Clerk–Council Services – Contingency Relief account (Council District 7); and credits to the Hawai‘i Fire Department, Fire Protection Equipment account.

Reference: Comm. 395
Intr. by: Ms. Villegas

Res. 243-19:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO D.A.R.E. HAWAI‘I FOR ITS 2020 D.A.R.E. DAY CELEBRATION IN WEST HAWAI‘I
Transfers $2,000 from the Clerk–Council Services – Contingency Relief account (Council District 7); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 396
Intr. by: Ms. Villegas

Res. 244-19:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO D.A.R.E. HAWAI‘I FOR ITS 2020 DARE DAY CELEBRATION EVENT IN WEST HAWAI‘I
Transfers $2,000 from the Clerk–Council Services – Contingency Relief account (Council District 8); and credits to the Hawai‘i Police Department, Police Administration Division–Other Current Expenses account.

Reference: Comm. 397
Intr. by: Ms. Eoff
Res. 245-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO CHILD AND FAMILY SERVICE TO PURCHASE BUS PASSES FOR RESIDENTS OF THE WEST HAWAI‘I DOMESTIC ABUSE SHELTER
Transfers $1,200 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Mass Transit Agency, Other Current Expenses account.

Reference: Comm. 398
Intr. by: Ms. Eoff

Res. 246-19: 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 AAUW KONA EDUCATIONAL FUND TO ASSIST WITH THE 2019 GIRLS EXPLORING MATH AND SCIENCE EVENT IN WEST HAWAI‘I
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 399
Intr. by: Ms. Eoff

Res. 247-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FRIENDS OF BIG ISLAND DRUG COURT, INC., TO PAY FOR COURT-RELATED SERVICES FOR PARTICIPANTS OF THE BIG ISLAND DRUG COURT AND VETERANS TREATMENT COURT
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 400
Intr. by: Ms. David
**Res. 248-19:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR EQUIPMENT FOR THE HAWAI‘I FIRE DEPARTMENT

Transfers $8,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Hawai‘i Fire Department, Fire Protection-Equipment account.

Reference: Comm. 401
Intr. by: Ms. David

**Res. 249-19:** 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 AAUW KONA EDUCATIONAL FUND TO ASSIST WITH THE 2019 GIRLS EXPLORING MATH AND SCIENCE EVENT IN WEST HAWAI‘I

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 402
Intr. by: Ms. David

**Res. 250-19:** 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 FOR THE PURCHASE OF CITRIC ACID TO MANAGE COQUI FROG INFECTION

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 403
Intr. by: Ms. Kierkiewicz
Res. 251-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BOY SCOUTS OF AMERICA, ALOHA COUNCIL FOR COMMUNITY SCOUT PROJECTS AND ACTIVITIES
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 404
Intr. by: Ms. Poindexter

Res. 254-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF FUNDS TO BE USED BY THE DEPARTMENT OF RESEARCH AND DEVELOPMENT TOWARDS TRAVEL AND OTHER EXPENSES FOR THE ROCKY MOUNTAIN INSTITUTE MOBILITY INNOVATION LAB PROJECT ACCELERATOR WORKSHOP
Accepts a monetary donation of approximately $1,500 from the Ulupono Initiative.

Reference: Comm. 408
Intr. by: Ms. David (B/R)
Waived: FC

Res. 255-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF FUNDS TO BE USED BY THE HAWAI‘I POLICE DEPARTMENT TOWARDS TRAVEL AND OTHER EXPENSES TO ATTEND THE 2019 CRIMES AGAINST CHILDREN CONFERENCE
Accepts a monetary donation of approximately $3,250 from the Children’s Justice Center of West Hawai‘i.

Reference: Comm. 409
Intr. by: Ms. David (B/R)
Waived: FC
Res. 256-19: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, PURSUANT TO HAWA'I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE HAWA'I POLICE DEPARTMENT
Funds in the amount of $32,000 would be used to reimburse overtime costs incurred by the Hawai‘i Police Department in providing resources to assist with operations of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Reference: Comm. 410
Intr. by: Ms. David (B/R)
Waived: FC

Res. 257-19: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWA'I, DEPARTMENT OF BUDGET AND FINANCE, FOR THE ACCEPTANCE OF A GRANT TO IMPLEMENT MAIL-IN VOTING FOR ALL ELECTIONS BEGINNING WITH THE 2020 PRIMARY ELECTION, PURSUANT TO ACT 136, SESSION LAWS OF HAWA'I 2019
Funds in the amount of $126,688 would be used for startup and transition costs to implement elections by mail.

Reference: Comm. 411
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 90: AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWA'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-4-080:013 (Applicant: Charles Umemoto) (Area: approximately 7.631 Acres)
The Windward Planning Commission forwards its favorable recommendation for this amendment, which would allow the applicant to apply for a subdivision of the property into 27 lots. The property is located at the end of Mailani Street, on the west side of Ho‘omalu Street, Waiākea Homesteads.

Reference: Comm. 366
Intr. by: Ms. Kierkiewicz (B/R)
Approve: PC-29

Appropriates revenues in the Federal Grants – Bureau of Alcohol, Tobacco, Firearms and Explosives Task Force account ($32,000); and appropriates the same to the Bureau of Alcohol, Tobacco, Firearms and Explosives Task Force account. Funds would be used to reimburse overtime costs incurred by the Hawai‘i Police Department in providing resources to assist with operations of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Reference: Comm. 410
Intr. by: Ms. David (B/R)
Waived: FC


Increases revenues in the 2020 Mail-In Elections Cost – State account ($126,688); and appropriates the same to the 2020 Mail-In Elections Cost account. Funds in the amount of $126,688 would be used for startup and transition costs to implement elections by mail.

Reference: Comm. 411
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 87: AMENDS THE KONA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-131

The Leeward Planning Commission forwards its favorable recommendation for the proposed amendments to the Kona Community Development Plan. The amendments are intended to address language affecting the ability to develop projects and to clarify the authority of the plan as an ordinance of the County.

Reference: Comm. 352.15
Intr. by: Ms. Kierkiewicz (B/R)
First Reading: August 7, 2019
REPORTS

PC-28 (Comm. 386): NOMINATION OF SUSAN FORBES, NICOLETTE CB HUBBARD, CAROL R. IGNACIO, DR. TAWN ISAAC KEENEY, CRYSTAL KUA, BRAD R. KUROKAWA, JEFF MCKNIGHT, ROBERT T. NISHIMOTO, AND RHONDA DARLING POLLARD TO THE INAUGURAL HĀMĀKUA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Requires Council Confirmation by: August 31, 2019 (Section 13-4(l), Hawai‘i County Charter)

REFERRALS FOR EXECUTIVE SESSION

Comm. 53.2: ELAINE SURNOW, ET AL. V. JODY BUDDEMEYER, ET AL. CIVIL NO. 17-00038 JMS-KSC

From Corporation Counsel Joseph K. Kamelamela, dated August 13, 2019, requesting an attorney-client confidential discussion to consult with the Council on a settlement demand, trial strategy, and the evidence and merits of the case.

Res. 258-19: AUTHORIZES THE EMPLOYMENT OF SPECIAL COUNSEL TO REPRESENT THE COUNTY OF HAWAI‘I, BOARD OF ETHICS IN PETITION NO. 2019-02

Finds that a conflict of interest would exist for the Corporation Counsel to advise the Board of Ethics and provides for the retention of legal services by the County of Maui Office of the Corporation Counsel, with total costs not to exceed $1,000.

Reference: Comm. 412
Intr. by: Ms. David (B/R)
Waived: FC
Note: Requires 2/3 vote of the entire membership, pursuant to Section 6-5.5, Hawai‘i County Charter

The Council anticipates convening an executive meeting regarding the above matters, 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 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.

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 Members Aaron S. Y. Chung and Ashley L. Kierkiewicz will be participating from the Hilo Council Chambers.)

Public attendance via videoconference will be available at the Hilo location.

Public attendance via courtesy site 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, Parker Square, 65-1279 Kawaihae Road, Suite 109.**

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;**
- **Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; and**
- **Pāhoa Council Office, 15-2879 Pāhoa Village Road.**

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 Clerk Council 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 email to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may email a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The email 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).