ORDER OF BUSINESS

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

June 3, 2016
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

August 6, 2014
February 4, 2015

COMMUNICATIONS

ORDER OF RESOLUTIONS

Accepts grant funds in the amount of $3 million for the State’s portion of the project from Railroad Avenue to Kauhane Avenue in Hilo.

Reference: Comm. 891
Intr. by: Ms. Eoff
Waived: FC

Res. 531-16: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAI‘I
Agreement would allow the County to request assistance in conducting an audit of the schedule of employer allocations of the Employees’ Retirement System, which is needed for the County’s 2016 financial statements.

Reference: Comm. 894
Intr. by: Ms. Eoff
Waived: FC
**Res. 532-16:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I EMPLOYEES’ RETIREMENT SYSTEM (ERS)  
Agreement would allow the County to obtain information provided by the ERS actuary needed for the County’s 2016 financial statements.

Reference: Comm. 895  
Intr. by: Ms. Eoff  
Waived: FC

**Res. 536-16:** AUTHORIZES THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 OF THE HAWAI‘I REVISED STATUTES FOR PHASE 4 OF THE MOHOULI SENIOR AFFORDABLE HOUSING PROJECT IN SOUTH HILO, HAWAI‘I  
Authorizes exemptions from Total Unit Count restrictions and a change of zoning district classification from Agricultural to Multi-Family Residential to allow development of 32 additional affordable housing units.

Reference: Comm. 900  
Intr. by: Mr. Ilagan (B/R)  
Waived: PC

**Res. 537-16:** APPROVES THE HAWAI‘I STATE ASSOCIATION OF COUNTIES (HSAC) FISCAL YEAR 2016-2017 PROPOSED OPERATING BUDGET  
Requests the Council’s approval of HSAC’s proposed operating budget for Fiscal Year 2016-2017.

Reference: Comm. 901  
Intr. by: Mr. Onishi  
Waived: GREDC
Res. 538-16: APPROVES THE HAWAI‘I STATE ASSOCIATION OF COUNTIES (HSAC) SLATE OF OFFICERS, NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES (NACo) BOARD OF DIRECTORS, AND NOMINEES TO THE WESTERN INTERSTATE REGION (WIR) BOARD OF DIRECTORS FOR FISCAL YEAR 2016-2017

Requests the Council’s approval of the following: 1) slate of HSAC officers and their alternates: Michael P. Victorino, President (Gladys C. Baisa, Alternate), Maui County Council; Dennis “Fresh” Onishi, Vice President (Daniel K. Paleka, Jr., Alternate), Hawai‘i County Council; Mel Rapozo, Secretary (Ross Kagawa, Alternate), Kaua‘i County Council; and J. Ikaika Anderson, Treasurer (Joey Manahan, Alternate), Honolulu City Council; and 2) slate of officers for the NACo and WIR Board of Directors: KipuKai Kuali‘i, Kaua‘i County Council (NACo); J. Ikaika Anderson, Honolulu City Council (NACo); Mike White, Maui County Council (WIR); and Daniel K. Paleka, Jr., Hawai‘i County Council (WIR).

Reference: Comm. 902
Intr. by: Mr. Onishi
Waived: GREDC

Res. 539-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO COVER EXPENSES IN THE HAWAI‘I STATE ASSOCIATION OF COUNTIES/NATIONAL ASSOCIATION OF COUNTIES (HSAC/NACo) ACCOUNT

Transfers $4,000 out and from the Clerk-Council Services Other Current Expenses, Miscellaneous Charges account; and credits the same to the HSAC/NACo, Travel/Conferences account. Funds would be used for the Western Interstate Region Conference held in May and monthly HSAC Executive Committee meetings for the remainder of Fiscal Year 2015-2016.

Reference: Comm. 903
Intr. by: Mr. Kanuha
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

Bill 140 (Draft 2):
AMENDS CHAPTER 20, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), BY ADDING A NEW ARTICLE RELATING TO REDUCTION OF POLYSTYRENE FOAM “STYROFOAM” FOOD CONTAINERS AND FOOD SERVICE WARE
Prohibits food vendors from dispensing prepared food in disposable polystyrene food service ware effective July 1, 2018. Exempts ice chest and coolers, County facility users and food vendors with approval by the Environmental Management Director, and County facility users and food vendors procuring supplies during an event declared as an emergency by the Mayor.

Reference: Comm. 664.101
Intr. by: Ms. Wille
Approve: EMC-6

Bill 150 (Draft 2):
AMENDS CHAPTER 16, ARTICLE 3, SECTION 16-5 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE MEMBERSHIP AND TENURE
Vacancies would be filled before filling expired positions occupied by members willing to continue serving.

Reference: Comm. 694.4
Intr. by: Ms. Wille
Approve: PC-61

Bill 205:
AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING
Amends Section 24-280 (No parking any time), by revising existing provisions and adding new provisions for portions of Ali‘i Drive, Subsection (f), Kona.

Reference: Comm. 874
Intr. by: Ms. Poindexter
Approve: PWPRC-45
Bill 206: AMENDS SECTION 25-8-26 (PĀHOA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI`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 NĀNĀWALE HOMESTEADS, PĀHOA, PUNA, HAWAI`I, COVERED BY TAX MAP KEY: 1-5-011:008 AND 1-5-011:009 (Applicants: David and Charlene Ewing) (Area: Approx. 17,994 square feet) The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicants to develop a 2,400 square-foot commercial building into an internet coffee shop and retail business complex on Pāhoa Village Road in downtown Pāhoa.

Reference: Comm. 876
Intr. by: Mr. Ilagan (B/R)
Approve: PC-62

; and

Comm. 876.1: From Council Member Greggor Ilagan, dated May 10, 2016, transmitting proposed amendments to Bill 206.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 101 (Draft 3): INITIATES AN AMENDMENT TO ARTICLE XIV, SECTION 14-5 OF THE HAWAI`I COUNTY CHARTER (2014), RELATING TO THE BOARD OF ETHICS

The amendments would: 1) increase membership from five to nine members; 2) decrease member’s term from five to four years; 3) allow members initially appointed for a term of less than two years to be eligible for an additional four-year term; and 4) require a minimum of three hearings per year in the windward and leeward areas of the County.

Reference: Comm. 494.18
Intr. by: Ms. Wille
Postponed: December 14, 2015; January 22 and April 6, 2016
First Reading: May 17, 2016
2/3 Vote: Second of three required readings, Section 15-1(a), Hawai`i County Charter
**Bill 154 (Draft 3):**

INITIATES AN AMENDMENT TO ARTICLE III, SECTION 3-2 OF THE HAWAI‘I COUNTY CHARTER (2014), RELATING TO COUNTY COUNCIL TERMS

Amends the term limit for Council Members from four consecutive two-year terms to five consecutive two-year terms. Would take effect on December 5, 2016, and apply to all Council Members elected in the 2016 elections, regardless of how many terms an incumbent Council Member has served.

Reference:  Comm. 705.15
Intr. by: Ms. Wille
First Reading: May 4, 2016
Postponed: May 17, 2016
2/3 Vote: Second of three required readings, Section 15-1(a), Hawai‘i County Charter

(Note: There is a motion by Ms. Wille, seconded by Ms. Poindexter, to approve Bill 154, Draft 3.)

**Bill 200:**

AMENDS CHAPTER 24, ARTICLE 10, DIVISION 6, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO LOADING ZONES

Removes portion of Keawe Street from Schedule 36 (Freight loading zones), Subsection (c), South Hilo.

Reference:  Comm. 865
Intr. by: Ms. Poindexter
First Reading: May 17, 2016

**Bill 201:**

AMENDS CHAPTER 14, ARTICLE 1, SECTION 14-2 AND SECTION 14-2.1 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO CONSUMPTION OF INTOXICATING LIQUORS AT PARKS

Adds Hawaiian Ocean View Park to Section 14-2 (areas requiring permits for intoxicating liquors between the hours of 10:00 a.m. and 10:00 p.m.) and removes Hawaiian Ocean View Park from Section 14-2.1 (intoxicating liquors allowed between the hours of 6:00 p.m. and 10:00 p.m.).

Reference:  Comm. 866
Intr. by: Ms. David
First Reading: May 17, 2016
Bill 207: AMENDS ORDINANCE NO. 15-58, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015, TO JUNE 30, 2016

Adds the Parks and Recreation Waiākea Uka Community Center – State project for $600,000 to the Capital Budget. Funds for this project shall be provided from State Grants Receivable ($600,000). Funds would be used for land acquisition and design for a community center in Waiākea Uka.

Reference: Comm. 879
Intr. by: Ms. Eoff
First Reading: May 17, 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 June 1, 2016. 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; and
- Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

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, 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, June 10 and 17, 2016 (to follow the viewing of the June 1, 2016, meeting scheduled to start at 12 p.m.); Sundays, June 12 and 19, 2016 (to follow the viewing of the June 1, 2016, meeting scheduled to start at 9 a.m.); and Wednesdays, June 15 (to follow the viewing of the June 1, 2016, meeting scheduled to start at 6 p.m.) and June 22, 2016, 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/).)