COUNTY COUNCIL

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

21st Session

ORDER OF BUSINESS

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

September 7, 2017
9:00 a.m.

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

INVOCATION

Pastor Bob Tominaga of Thy Word Ministries

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

November 3, 2015
July 7, 2017
July 18, 2017

COMMUNICATIONS

Comm. 378: NOMINATION OF THOMAS FRATINARDO TO THE SALARY COMMISSION
From Mayor Harry Kim, dated August 16, 2017, submitting for the Council’s review and confirmation the above nomination.

Waived: FC (Comm. 378.1)
Requires Council Confirmation by: October 1, 2017 (Section 13-4(I), Hawai‘i County Charter)

Comm. 404: NOMINATION OF HAROLD D. DOW, JR., M.D., TO THE SALARY COMMISSION
From Mayor Harry Kim, dated August 16, 2017, submitting for the Council’s review and confirmation the above nomination.

Waived: FC (Comm. 404.1)
Requires Council Confirmation by: October 1, 2017 (Section 13-4(I), Hawai‘i County Charter)
ORDER OF RESOLUTIONS

Res. 250-17: AUTHORIZES THE DIRECTOR OF FINANCE TO ENTER INTO A RIGHT-OF-ENTRY AGREEMENT WITH CYANOTECH CORPORATION TO ALLOW ACCESS TO THE KEALAKEHE WASTEWATER TREATMENT PLANT FOR THE HABITAT CONSERVATION OF HAWAIIAN STILTS AND HAWAIIAN COOTS

Would allow for a three-year access agreement with Cyanotech Corporation so that it may perform predator control, as an effort to support the recovery of these endangered waterbirds.

Reference: Comm. 382
Intr. by: Ms. Eoff
Approve: EMC-3

Res. 252-17: AUTHORIZES THE DIRECTOR OF FINANCE TO NEGOTIATE THE LEASE OF REAL PROPERTY, SITUATED AT WAIĀKEA, SOUTH HILO, COUNTY AND STATE OF HAWAI‘I, IDENTIFIED AS TAX MAP KEY: 2-4-057:030, TO HKI KAWILI, LLC, A NONPROFIT CORPORATION

Authorizes the Finance Director to negotiate a 65-year lease of the subject property for the purpose of constructing, developing, and operating affordable senior housing with preference to veterans and their spouses.

Reference: Comm. 384
Intr. by: Ms. Lee Loy
Approve: FC-34

Res. 253-17: URGES THE MAYOR AND THE DIRECTOR OF PARKS AND RECREATION TO EXPEDITE THE CONSTRUCTION OF A SKATE PARK FACILITY IN THE SOUTH HILO DISTRICT

Supports a collaborative effort between the County and the Hilo Skateplaza Coalition, a 501(c)(3) nonprofit corporation, which is willing to share costs, donate materials and labor, and provide design specifications to develop this public facility.

Reference: Comm. 385
Intr. by: Ms. Lee Loy
Approve: PWPRC-23
Res. 254-17: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAI‘I
The agreement would provide $25,000 from the Department of Research and Development to the University of Hawai‘i to fund its Building Private Sector Capacity to Control Little Fire Ants in Hawai‘i County project.

Reference: Comm. 391
Intr. by: Ms. David (B/R)
Approve: FC-35

Res. 256-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO MALAMA O PUNA TO ASSIST WITH EXPENSES ASSOCIATED WITH A RAT LUNG WORM DISEASE PREVENTION AND AWARENESS EVENT IN KAPOHO
Transfers $4,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 394
Intr. by: Ms. O‘Hara

Res. 257-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KA HALE O NA KEIKI INC., FOR ITS EDUCATIONAL FIELD TRIPS
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 397
Intr. by: Ms. Poindexter
Res. 258-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST THE DEPARTMENT OF PARKS AND RECREATION WITH PROVIDING PUBLIC SAFETY AT THE KWXX HŌ'OLAULEʻA

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Parks and Recreation, Culture and Education Other Current Expenses account.

Reference: Comm. 398
Intr. by: Ms. Lee Loy

Res. 259-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO REIMBURSE THE DEPARTMENT OF PARKS AND RECREATION FOR EXPENSES RELATED TO THE QUEEN LILIʻUOKALANI FESTIVAL

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Parks and Recreation, Culture and Education Other Current Expenses account.

Reference: Comm. 399
Intr. by: Ms. Lee Loy

Res. 262-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR ONE MULTI-FUNCTION COPY MACHINE FOR THE FINANCE DEPARTMENT

Authorizes the Mayor to enter into a five-year lease for one copier to be used by the department’s Vehicle Registration and Licensing Division at its Hilo registration branch.

Reference: Comm. 408
Intr. by: Ms. David (B/R)
Waived: FC
Res. 263-17: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OFFICE FOR COASTAL MANAGEMENT
The agreement with the Department of Public Works would be used for the collection and processing of digital geographic data for Hawai‘i Island.

Reference: Comm. 409
Intr. by: Ms. David (B/R)
Waived: FC

Res. 264-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR ONE DIGITAL MULTI-FUNCTION COPY MACHINE FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Authorizes the Mayor to enter into a five-year lease for one digital copier to be used by the department’s administration office of the Wastewater Division.

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

Res. 265-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HAWAIIAN SANCTUARY INC., TO ASSIST WITH COSTS RELATED TO ITS PLANT ALOHA PROJECT
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 413
Intr. by: Ms. O’Hara
BILLs FOR ORDINANCES (FIRST READING)

Bill 13
(Draft 3):
AMENDS CHAPTER 20 OF THE HAWAIʻI COUNTY CODE 1983 (2016 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, 2019. Exempts ice chest and coolers; packaging for raw meat, fish, and eggs that have not been further processed; 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. 107.161
Intr. by: Ms. O’Hara
Approve: EMC-1
Postponed: March 8, 2017
Referred to the Environmental Management Commission: July 7, 2017

(Note: There is a motion by Ms. O’Hara, seconded by Ms. Ruggles, to approve Bill 13, Draft 2, as amended.)

; and

Comm. 107.163:
From Council Chairwoman Valerie T. Poindexter, dated August 17, 2017, forwarding the Environmental Management Commission’s favorable recommendation and comments by the Department of Environmental Management.

Bill 59:
AMENDS THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAIʻI BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT KEAʻAU, PUNA, HAWAIʻI, COVERED BY TAX MAP KEY: 1-6-141:002

Approve: PC-24

; and
Bill 60: AMENDS SECTION 25-8-22 (PUNA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – TWENTY ACRES (A-20a) TO GENERAL INDUSTRIAL – 20,000 SQUARE FEET (MG-20) AT KEAʻAU, PUNA, HAWAIʻI, COVERED BY TAX MAP KEY: 1-6-141:002 (Applicant: Hawaiʻi Island Distilling, LLC) (Area: 6,505 acres)

The Windward Planning Commission forwards its favorable recommendation for this amendment to the State Land Use Boundaries Maps and change of zone, which would allow the applicant to establish a microbrewery with a retail sales and tasting center.

Reference: Comm. 386
Intr. by: Ms. Eoff (B/R)
Approve: PC-25

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 54 (Draft 2): AMENDS CHAPTER 15, ARTICLE 7 OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE VETERANS ADVISORY COMMITTEE

Removes inactive veterans organizations, adds two new veterans organizations, and reduces the size of the committee from 16 to 12 members and the required number of at-large members from three to one.

Reference: Comm. 361.2
Intr. by: Ms. Eoff
First Reading: August 16, 2017


Increases revenues in the State Grants - Coastal Zone Management account ($23,685); and appropriates the same to the Coastal Zone Management account, bringing the total State grant amount to $155,663.

Reference: Comm. 366
Intr. by: Ms. David (B/R)
First Reading: August 16, 2017
**Bill 56:** AMENDS ORDINANCE NO. 17-40, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018

Adds the Public Works, Road Improvements - Pua, Todd, Baker and Desha Avenues – State project for $152,000 to the Capital Budget. Funds for this project shall be provided from the State Capital Improvement Project Funds. Funds would be used to improve roadways and drainage around Keaukaha School in Hilo.

Reference: Comm. 367
Intr. by: Ms. David (B/R)
First Reading: August 16, 2017
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

**Bill 58:** AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPEED LIMITS

Amends Schedule 3 (25 mile per hour limit) and Schedule 5 (35 mile per hour limit) Subsection (g), Puna, by increasing the speed limit on South Kopua Road from 25 to 35 miles per hour.

Reference: Comm. 375
Intr. by: Ms. Ruggles (B/R)
First Reading: August 16, 2017


Recognizes Shiro Takata for his contributions to the athletic community and school system in Kohala by naming these facilities in his honor.

Reference: Comm. 387
Intr. by: Mr. Richards
First Reading: August 16, 2017
Bill 62: AMENDS ORDINANCE NO. 17-40, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018

Adds the Public Works Māmalahoa Highway Widening, Mud Lane to Mana Road – Federal project $22 million; State project $500,000; and County project $5 million, for a total of $27.5 million to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable ($22 million); State Grants Receivable ($500,000); and General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources ($5 million). Funds would be used to improve 18 intersections along Māmalahoa Highway in Waimea and repair the failing roadway from Mana Road to Puʻu Nani Drive.

Reference: Comm. 392
Intr. by: Ms. David (B/R)
First Reading: August 16, 2017
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawaiʻi County Charter

REPORTS

FC-33 (Comm. 388): NOMINATION OF MICHAEL HUGHES TO THE REAL PROPERTY TAX BOARD OF REVIEW

Requires Council Confirmation by: September 11, 2017
(Section 13-4(l), Hawaiʻi County Charter)

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to Hawaiʻi 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 September 5, 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;
- Pāhoa Council Office, 15-2879 Pāhoa Village Road; and

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; and
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au.

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).