COUNTY COUNCIL

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

53rd Session

ORDER OF BUSINESS

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

November 20, 2018

9:00 a.m.

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

INVOCATION  Seminarian Ace Tui of St. Michael’s Catholic Church

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Serving the Interests of the People of Our Island
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

November 2, 2016
October 17, 2018

COMMUNICATIONS

Comm. 1167: NOMINATION OF PETE HENDRICKS TO THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE
From Mayor Harry Kim, dated October 30, 2018, submitting for the Council’s review and confirmation the above nomination.

Waived: PC
Requires Council Confirmation by: December 13, 2018 (Section 13-4(l), Hawai‘i County Charter)

Comm. 1168: NOMINATION OF DENBY TOCI TO THE POLICE COMMISSION
From Mayor Harry Kim, dated October 30, 2018, submitting for the Council’s review and confirmation the above nomination.

Waived: PSMTC
Requires Council Confirmation by: December 13, 2018 (Section 13-4(l), Hawai‘i County Charter)
ORDER OF RESOLUTIONS

The Easley Corporation seeks a variance for an existing ground sign used to indicate gasoline prices that exceeds the 24-square foot limitation.

Reference: Comm. 1133
Intr. by: Ms. David (B/R)
Approve: PWPRC-52

Res. 732-18: URGES THE COUNTY OF HAWAI‘I TO MAKE RECOVERING THOSE SECTIONS OF COUNTY HIGHWAY 132 THAT WERE INUNDATED WITH LAVA FROM THE MAY 3, 2018 VOLCANIC ERUPTION A TOP PRIORITY IN PUNA’S RECOVERY EFFORTS, AND COMMENCE PLANNING THE FUNDING AND ROUTING OF A REPLACEMENT ROAD AND IMMEDIATE IMPLEMENTATION OF ALTERNATIVE ROUTES TO ACCOMMODATE RESIDENTS OF AFFECTED COMMUNITIES
Requests that the County Administration prioritize the realignment of Government Beach Road and opening of the Railroad right-of-way to Kahala Street and/or Kehau Boulevard as a means to alleviate some of the negative impacts of the 2018 volcanic eruption.

Reference: Comm. 1137
Intr. by: Ms. O’Hara
Approve: PWPRC-53

Res. 739-18: CREATES THREE WATER SAFETY OFFICER II POSITIONS FOR THE HAWAI‘I FIRE DEPARTMENT
Requests to establish three Water Safety Officer II positions based on an increase in the number of beach patrons at Hāpuna Beach Park, to ensure the ongoing safety of visitors and lifeguards. These positions would be funded through a State grant.

Reference: Comm. 1146
Intr. by: Ms. David (B/R)
Approve: FC-152
Res. 746-18: 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 ARTS AND SCIENCE CENTER TO ASSIST WITH TWO COMMUNITY PROGRAMS AT THE GINNY ASTE SKATE PARK TO TAKE PLACE BY JUNE 30, 2019

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

Reference: Comm. 1155
Intr. by: Ms. O’Hara

Res. 747-18: 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-HĀMĀKUA COMMUNITY DEVELOPMENT CORPORATION TO ASSIST WITH EXPENSES RELATED TO THE SAKADA DAY CELEBRATION 2018

Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Department of Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 1156
Intr. by: Ms. Eoff

Res. 749-18: 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-HĀMĀKUA COMMUNITY DEVELOPMENT CORPORATION TO ASSIST WITH EXPENSES RELATED TO THE SAKADA DAY CELEBRATION 2018

Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 1158
Intr. by: Mr. Chung
**Res. 750-18:** AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF ELECTROCARDIOGRAM (EKG) DEFIBRILLATORS AND AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS) FOR THE HAWAI‘I FIRE DEPARTMENT

Authorizes the Mayor to enter into a six-year lease agreement for 31 EKG defibrillators and 53 AEDs at an estimated monthly cost of $12,072. The equipment would become the property of the department or be traded in upon completion of the terms of the lease.

Reference: Comm. 1159
Intr. by: Ms. David (B/R)
Waived: FC

**Res. 751-18:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE DEPARTMENT OF PARKS AND RECREATION’S WELLNESS FAIR, “START THE NEW YEAR RIGHT,” FOR THE SENIORS OF HĀMĀKUA

Transfers $3,500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Parks and Recreation, Elderly Activities Division Recreation Other Current Expenses account.

Reference: Comm. 1160
Intr. by: Ms. Poindexter

**Res. 754-18:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, TO ACCEPT THE TRANSFER OF MONEYS FOR SUPPLEMENTAL DISASTER RESPONSE

Funds in the amount of $10 million would be used to provide immediate relief necessary to protect the health, safety, and welfare of residents in the lower Puna area and for relocation planning for residents and agricultural enterprises adversely impacted by the volcanic eruption.

Reference: Comm. 1171
Intr. by: Ms. David (B/R)
Waived: FC
**BILLS FOR ORDINANCES (FIRST READING)**

**Bill 204:** AMENDS ORDINANCE NO. 06-47, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO GENERAL COMMERCIAL (CG-10) AT WAIAKEA, SOUTH Hilo, HAWAI‘I, COVERED BY TAX MAP KEYS: 2-2-028:030, 032 AND 033 (Applicant: Janice Oshiro) (Area: 28,002 square feet)

The Windward Planning Commission forwards its favorable recommendation for this amendment to request a five-year time extension to complete construction and an administrative time extension that could provide for an additional five years to complete construction, to allow for the conversion of two existing single-family dwellings into office spaces. The property is located approximately 163 feet northeast of the intersection of Kilauea Avenue and Lanikaula Street.

Reference: Comm. 1135
Intr. by: Ms. Eoff (B/R)
Approve: PC-76

**Bill 212:** AMENDS ORDINANCE NO. 18-68, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Appropriates revenues in the State Grants – Lava Disaster Recovery Relief – State account ($10,000,000); and appropriates the same to the Lava Disaster Recovery Relief – State account. Funds would be used to provide immediate relief necessary to protect the health, safety, and welfare of residents in the lower Puna area and for relocation planning for residents and agricultural enterprises adversely impacted by the volcanic eruption.

Reference: Comm. 1171
Intr. by: Ms. David (B/R)
Waived: FC

**Bill 213:** AMENDS CHAPTER 15, ARTICLE 7, SECTION 15-64 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE VETERANS ADVISORY COMMITTEE

Expands the scope of the powers and duties of the Veterans Advisory Committee by allowing it to initiate discussions and make recommendations on veterans-related issues and concerns without a prior request by the Mayor or the Council.

Reference: Comm. 1172
Intr. by: Ms. Eoff
Waived: PWPRC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 108:** (Draft 6)  
AMENDS CHAPTER 25, ARTICLE 1, ARTICLE 2, ARTICLE 4, AND ARTICLE 5, OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SHORT-TERM VACATION RENTALS  
Defines where short-term vacation rentals would be allowed, establishes regulations for their use, and provides a way for an owner or operator to obtain a nonconforming use certificate that would allow them to operate in a non-permitted district. This ordinance would take effect on April 1, 2019.  
Reference: Comm. 739.386  
Intr. by: Ms. Eoff and Mr. Kanuha  
First Reading: November 2, 2018

**Bill 200:** (Draft 2)  
AMENDS ORDINANCE NO. 04-110 WHICH RECLASSIFIED LANDS FROM OPEN (O) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AND GENERAL INDUSTRIAL (MG-1a) AT HONOKŌHAI 1ST AND 2ND, NORTH KONA, HAWAIʻI, COVERED BY TAX MAP KEY: 7-4-008:013 AND 030 (Applicant: West Hawaiʻi Business Park, LLC) (Area: 196.63 acres)  
The Leeward Planning Commission forwards its favorable recommendation for this amendment to Condition K (Roadway Improvements). The amendment would increase the acreage of land that may be developed, from 10 acres to 48.4 acres, before the construction of Kamanu Street is required.  
Reference: Comm. 1098.2  
Intr. by: Ms. Eoff (B/R)  
First Reading: November 2, 2018

**Bill 201:**  
AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019  
Adds the Parks and Recreation Island Wide Tennis Facilities Installation and Improvements – Private project for $100,000 to the Capital Budget. Funds for this project shall be provided from Private Contributions, from the United States Tennis Association.  
Reference: Comm. 1125  
Intr. by: Ms. David (B/R)  
First Reading: November 2, 2018  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawaiʻi County Charter.
Bill 202: AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019
Add the Parks and Recreation Kealakehe Regional Park Master Plan – Fair Share project for $162,000 to the Capital Budget. Funds for this project shall be provided from Fair Share Contributions.

Reference: Comm. 1126
Intr. by: Ms. David (B/R)
First Reading: November 2, 2018
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Appropriates revenues in the Federal Grants – Sex Assault Kit Initiative (SAKI) Reviews of Cold Case and Domestic Violence Incidents Project account ($280,498); and appropriates the same to the SAKI Reviews of Cold Case and Domestic Violence Incidents Project account. Funds would be used by the Office of the Prosecuting Attorney.

Reference: Comm. 1149
Intr. by: Ms. David (B/R)
First Reading: November 2, 2018

Appropriates revenues in the Federal Grants – Multi-Hazard Mitigation Plan Upgrade – Federal account ($114,750); and appropriates the same to the Multi-Hazard Mitigation Plan Upgrade – Federal account. Funds would be used by the Civil Defense Agency to support the County’s Multi-Hazard Mitigation Plan Update.

Reference: Comm. 1150
Intr. by: Ms. David (B/R)
First Reading: November 2, 2018
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 November 16, 2018. 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 Susan L. K. Lee Loy 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 locations until 4:30 p.m. or later in the event public testimony has not been completed:
•  **Pāhoa Council Office, 15-2879 Pāhoa Village Road; and**
•  **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‘alehu State Office Building, 95-5669 Māmalahoa Highway; 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](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](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).

**Viewing of Meetings is Available on Public, Education, and Government Television.** Please call Na Leo TV at (808) 935-8874 for Channel 55 schedule of Council and Committee meetings.