COUNTY COUNCIL

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

27th Session

ORDER OF BUSINESS

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

December 4, 2019

9:00 a.m.

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

INVOCATION
Pastor Ron Brav of Calvary Chapel Hilo

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 November 6, 2019

COMMUNICATIONS

Comm. 312.6: REPORT OF ATTENDANCE OF COUNCIL MEMBERS DAVID, EOFF, AND VILLEGAS AT THE LAW ENFORCEMENT ASSISTED DIVERSION LAUNCH ON NOVEMBER 14, 2019, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 92-2.5(e)

From Council Member Karen Eoff, dated November 18, 2019.

Comm. 636: 2020 HAWAI‘I STATE ASSOCIATION OF COUNTIES’ LEGISLATIVE PACKAGE

From Council Member Ashley L. Kierkiewicz, dated November 15, 2019.

Waived: GREDC

Comm. 641: APPOINTMENT OF ROY TAKEMOTO AS MANAGING DIRECTOR

From Mayor Harry Kim, dated November 20, 2019, submitting for the Council’s confirmation the above appointment.

Waived: GREDC
Requires Council Confirmation by: January 30, 2019 (Section 13-8, Hawai‘i County Charter)
ORDER OF RESOLUTIONS

Res. 383-19: A WRDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO NĀ MAMO O KĀWĀ
Approves a grant of $97,315 to Na Mamo O Kāwā, a 501(c)(3) nonprofit organization, to protect, preserve, and restore the Kāwā properties in Kaʻū, pursuant to Section 10-16 of the Hawaiʻi County Charter.

Reference: Comm. 582
Intr. by: Ms. David
Approve: FC-80

Res. 384-19: A WRDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO HOʻOMALU KAʻŪ
Approves a grant of $24,250 to Hoʻomalu Kaʻū, a 501(c)(3) nonprofit organization, to protect, preserve, and restore the Kahuā Olohu, Kaunamano, property in Kaʻū, pursuant to Section 10-16 of the Hawaiʻi County Charter.

Reference: Comm. 583
Intr. by: Ms. David
Approve: FC-81

Res. 385-19: A WRDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO KOHANAIKI ‘OHANA
Approves a grant of $21,680 to Kohanaiki ‘Ohana, a 501(c)(3) nonprofit organization, to protect, preserve, and restore the ‘O’oma Beach property in North Kona, pursuant to Section 10-16 of the Hawaiʻi County Charter.

Reference: Comm. 584
Intr. by: Ms. Eoff
Approve: FC-82
Res. 389-19: AWARDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO PŌHĀHĀ I KA LANI

Approves a grant of $32,000 to Pōhāhā I Ka Lani, a 501(c)(3) nonprofit organization, to protect, preserve, and restore the Waipiʻo Valley Lookout property in Hāmākua, pursuant to Section 10-16 of the Hawaiʻi County Charter.

Reference: Comm. 588
Intr. by: Ms. Poindexter
Approve: FC-83

Res. 400-19: NOMINATES THE NORTH KOHALA ENTERPRISE ZONE FOR RE-DESIGNATION BY THE GOVERNOR

Requests the Governor to re-designate the North Kohala Enterprise Zone to allow eligible businesses to receive County and State tax exemptions and reductions to stimulate business and industrial growth.

Reference: Comm. 601
Intr. by: Mr. Richards
Approve: GREDC-2

Res. 401-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF FUNDS TO BE USED BY THE POLICE DEPARTMENT TOWARDS TRAVEL AND OTHER EXPENSES TO ATTEND THE ADVANCED HOMICIDE/VIOLENT CRIME INVESTIGATOR COURSE

Accepts a monetary donation of approximately $2,500 from the International Homicide Investigators Association.

Reference: Comm. 602
Intr. by: Ms. David (B/R)
Approve: FC-84
AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE POLICE DEPARTMENT.

Funds in the amount of $76,444 would be used by the Police Department to purchase a shooting simulator for its training program.

Reference: Comm. 604
Intr. by: Ms. David (B/R)
Approve: FC-85

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 FRIENDS OF NELHA FOR REIMBURSEMENT OF EXPENSES RELATED TO THE 10TH ANNUAL OCEAN ENERGY AND ECONOMIC DEVELOPMENT SYMPOSIUM AND WORKSHOP.

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Research and Development, Energy account.

Reference: Comm. 610
Intr. by: Ms. Villegas

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 PĀHOA SCHOOLS SUPPORT FOUNDATION TO ENHANCE LEARNING, ENGAGE STUDENTS, AND AID IN STUDENT RETENTION.

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 616
Intr. by: Ms. Kierkiewicz
Res. 411-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HUA O LĀHUI FOR ITS QUEEN KAPIʻOLANI CANOE REPLICA PROJECT
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 617
Intr. by: Ms. Kierkiewicz

Res. 412-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HAWAIʻI COUNTY ECONOMIC OPPORTUNITY COUNCIL FOR A REIMBURSEMENT OF EXPENSES FOR THE JAPANESE COMMUNITY ASSOCIATION OF HAWAIʻI’S 2019 BUNKA NO HI PROGRAM
Transfers $1,100 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 618
Intr. by: Ms. Lee Loy

Res. 413-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ALOHA COUNCIL OF THE BOY SCOUTS OF AMERICA TO ASSIST LOW-INCOME FAMILIES ON HAWAIʻI ISLAND WITH SCOUT MEMBERSHIP FEES AND CAMPING EXPENSES
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 619
Intr. by: Ms. Lee Loy
Res. 414-19: 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 FRIENDS OF NELHA FOR REIMBURSEMENT OF EXPENSES FOR ITS 10TH ANNUAL OCEAN ENERGY AND ECONOMIC DEVELOPMENT SYMPOSIUM AND WORKSHOP
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Department of Research and Development, Energy account.

Reference: Comm. 620
Intr. by: Ms. Eoff

Res. 415-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HAWAI‘I ISLAND UNITED WAY FOR THE PURCHASE OF MATERIALS AND SUPPLIES FOR ITS COMMUNITY OUTREACH INITIATIVE
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 621
Intr. by: Mr. Chung

Res. 416-19: 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 BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL FOR REIMBURSEMENT OF EXPENSES INCURRED AT THE 2019 HAWAI‘I ISLAND ALL NATIONS POWWOW
Transfers $750 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 622
Intr. by: Mr. Richards
Res. 417-19: 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 FRIENDS OF THE LIBRARY OF HAWAI‘I – WAIKOLOA REGION, FOR ITS LITERACY PROJECT

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 623
Intr. by: Mr. Richards

Res. 418-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO GIRLS TO WOMEN MENTORING HAWAI‘I FOR ITS PROGRAM RELATED EXPENSES

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 624
Intr. by: Ms. Kierkiewicz

Res. 419-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF FUNDS TO BE USED BY THE HAWAI‘I FIRE DEPARTMENT FOR TUITION, TRAVEL, AND OTHER EXPENSES TO ATTEND THE BELL TRAINING ACADEMY

Accepts a monetary donation of approximately $7,650 from the Daniel Sayre Memorial Foundation.

Reference: Comm. 628
Intr. by: Ms. David (B/R)
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

**Bill 113:** AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Increases revenues in the Federal Grants – State Homeland Security Program account ($164,500); and appropriates the same to the State Homeland Security Program Fiscal Year 2019 account, bringing the total appropriation to $764,500. Funds would be used to support efforts to prevent, protect and respond to incidents, threats, and hazards within the context of terrorism.

Reference: [Comm. 603]
Intr. by: Ms. David (B/R)
Approve: FC-86

**Bill 114:** AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Appropriates revenues in the Federal Grants – Local Justice Assistance Grant (JAG) Program account ($76,444); and appropriates the same to the Local JAG Program account. Funds would be used by the Police Department to purchase a shooting simulator for its training program.

Reference: [Comm. 604]
Intr. by: Ms. David (B/R)
Approve: FC-87

**Bill 119:** AMENDS CHAPTER 25, ARTICLE 5, DIVISION 10, SECTION 25-5-102 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO PERMITTED USES IN THE “CN” DISTRICT

Addresses a drafting error contained in Ordinance No. 19-100.

Reference: [Comm. 627]
Intr. by: Ms. Kierkiewicz (B/R)
Waived: PC

Increases revenues in the Fund Balance from Previous Year account ($32,000); and appropriates the same to the Transfer to Capital Projects Fund – Park Dedication account. Funds would be used to stake and adjust an existing easement of Phase 2 of the Waimea Trails and Greenways Project.

Reference: Comm. 635
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 109:  AMENDS CHAPTER 2, ARTICLE 40, SECTION 2-207 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO REFERRAL OF BILLS FOR ORDINANCES TO THE ENVIRONMENTAL MANAGEMENT COMMISSION

Revises provisions relating to the 45-day period for review of amendments to Chapters 20 (Refuse) and 21 (Sewers).

Reference: Comm. 532
Intr. by: Mr. Richards
First Reading: November 20, 2019

Bill 111:  AMENDS ORDINANCE NO. 09-90A, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO INDUSTRIAL – COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20) AT WAIĀKEA HOUSELOTS, WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-2-050:043
(Applicant: Trevor R. Rodrigues) (Area: 45,800 sq. ft.)
The Windward Planning Commission forwards its favorable recommendation for this amendment, which will allow a five-year time extension to comply with Condition D (Time to Complete Construction) and Condition F (Future Road Widening). The applicant is requesting to construct a veterinary clinic with 25 parking stalls, as well as two other buildings for commercial office and warehouse space. The property is located along the north side of East Kāwili Street at the corner of Laukapu Street in the Waiākea Houselots.

Reference: Comm. 545
Intr. by: Ms. Kierkiewicz (B/R)
First Reading: November 20, 2019

Appropriates revenues in the Federal Grants – Workforce Innovation and Opportunity Act account ($64,806); and appropriates the same to the Workforce Innovation and Opportunity Act Rapid Response 19-20 account. Funds would be used to assist at-risk businesses with rapid response activities to prevent lay-offs or closures, and layoff aversion services to assist displaced workers through training, job fairs, workshops and other activities.

Reference: Comm. 606
Intr. by: Ms. David (B/R)
First Reading: November 20, 2019


Appropriates revenues in the Federal Grants – 2019 Sexual Assault Kit Initiative Investigation and Prosecution account ($769,895); and appropriates the same to the 2019 SAKI Investigation and Prosecution account. Funds would be used by the Office of the Prosecuting Attorney for two positions and associated costs for the 2019 Sexual Assault Kit Initiative Investigation and Prosecution program.

Reference: Comm. 607
Intr. by: Ms. David (B/R)
First Reading: November 20, 2019


Appropriates revenues in the Federal Grants – Workforce Innovation and Opportunity Act account ($64,172); and appropriates the same to the Workforce Innovation and Opportunity Act Rapid Response 20-21 account. Funds would be used for rapid response and layoff aversion activities in Hawai‘i County.

Reference: Comm. 608
Intr. by: Ms. David (B/R)
First Reading: November 20, 2019
REPORTS

PC-36
(Comm. 612):
NOMINATION OF ROSS BIRCH TO THE BANYAN DRIVE HAWAI‘I REDEVELOPMENT AGENCY

PC-37
(Comm. 613):
NOMINATION OF BENJAMIN NEY TO THE WATER BOARD
Requires Council Confirmation by: December 14, 2019 (Section 13-4(l), Hawai‘i County Charter)

AWEEMC-14
(Comm. 611):
NOMINATION OF GEORJEAN L. ADAMS TO THE ENVIRONMENTAL MANAGEMENT COMMISSION
Requires Council Confirmation by: December 14, 2019 (Section 13-4(l), Hawai‘i County Charter)

REFERRALS FOR EXECUTIVE SESSION

Comm. 640:
IN THE MATTER OF COUNTY OF HAWAI‘I (KAINALIU PARKING LOT COMFORT STATION), HILO, HAWAI‘I 96720, RESPONDENT; PROCEEDINGS UNDER SECTIONS 1423(C) OF THE SAFE DRINKING WATER ACT, 42 U.S.C. SECTION 300H-2(C); DOCKET NO. UIC-09-2020-0001
From Deputy Corporation Counsel Danny Patel, dated November 18, 2019, requesting an attorney-client confidential discussion to consult with the Council regarding a proposed settlement between the United States Environmental Protection Agency and the County regarding the alleged operation of a large-capacity cesspool servicing the Kainaliu Parking Lot Comfort Station.

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

If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by December 2, 2019. If a response is received after December 2, 2019, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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

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.

Copies of this agenda and items listed on the agenda are available on the County Clerk-Council webpage 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).