COUNTY COUNCIL

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

46th Session

ORDER OF BUSINESS

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

July 19, 2016
9:00 a.m.

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

INVOCATION

Pastor Dean Stanley of Kona Baptist Church

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

July 2, 2014
July 24, 2015

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 551-16: 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 THE FUTURE FOR THE 2016 HAWAI‘I ISLAND WOMEN’S LEADERSHIP FORUM

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

Reference: Comm. 921
Intr. by: Ms. Poindexter

Res. 554-16: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $1,724 TO THE DEPARTMENT OF PARKS AND RECREATION

Donated by Polynesian Adventure Tours, LLC. Funds would be used for the Pana‘ewa Rainforest Zoo and Gardens.

Reference: Comm. 926
Intr. by: Ms. Eoff
Waived: FC

Res. 555-16: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $100 TO THE DEPARTMENT OF PARKS AND RECREATION

Donated by M. E. Greenwell. Funds would be used for the West Hawai‘i Veterans’ Cemetery.

Reference: Comm. 927
Intr. by: Ms. Eoff
Waived: FC
Res. 556-16: 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 THE FUTURE FOR THE 2016 HAWAI‘I ISLAND WOMEN’S LEADERSHIP FORUM
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.
Reference: Comm. 929
Intr. by: Mr. Ilagan

BILLS FOR ORDINANCES (FIRST READING)

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)
Referred to the Planning Department: June 3, 2016

Comm. 876.3: From Planning Director Duane Kanuha, dated June 29, 2016, transmitting revised language for Condition G, as agreed upon between the Applicant and the County.
Bill 213:
AMENDS CHAPTER 24, ARTICLE 10, DIVISION 2, OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO MOVING VEHICLES
Adds a portion of Old Māmalahoa Highway to Section 24-265, Schedule 13 (Yield locations), subsection (b), North Hilo, to limit traffic to one vehicle at a time over the Hakalau Stream Bridge.

Reference: Comm. 905
Intr. by: Ms. Poindexter
Approve: PWPRC-46

Bill 214:
AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT WAIĀKEA HOMESTEADS 2ND, WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-034:044 (Applicant: Chris Brilhante) (Area: 3.5876 acres)
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to subdivide the property into three lots. The applicant states that the lots will be conveyed to family members.

Reference: Comm. 906
Intr. by: Mr. Ilagan (B/R)
Approve: PC-68

Bill 215:
AMENDS ORDINANCE NO. 06-114, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL – 20,000 SQUARE FEET (CG-20) AT WAIĀKEA HOUSE LOTS, HAWAI'I, COVERED BY TAX MAP KEYS: 2-2-034:066, 078, AND 079 (Applicant: Big Island Candies, Inc.) (Area: Approx. 45,450 square feet)
The Windward Planning Commission forwards its favorable recommendation for an eight-year time extension to Condition C (time to complete construction) as well as Conditions D, E, and F (roadway infrastructure improvements). The applicant states it intends to construct an additional two-story, 25,000 square foot production/storage facility and open visitor rest area.

Reference: Comm. 907
Intr. by: Mr. Ilagan (B/R)
Approve: PC-69
Bill 216: AMENDS ORDINANCE NO. 04-56, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – FIVE ACRES (A-5a) TO SINGLE FAMILY RESIDENTIAL – 7,500 SQUARE FEET (RS-7.5) AT PUAPUAʻA 2ND, NORTH KONA, HAWAIʻI, COVERED BY TAX MAP KEYS: 7-5-020:071 AND 072 (Applicant: Aliʻi Palms, LLC) (Area: 10.142 acres)
The Leeward Planning Commission forwards its favorable recommendation for amendments to Condition B (final subdivision approval) and Condition J (construction of drainage improvements); and its unfavorable recommendation to amend Condition V (fair share contributions). The proposed project has not changed from that presented by the former applicant to develop a 58-unit, single-family residential subdivision and related improvements.

Reference: Comm. 911
Intr. by: Mr. Ilagan (B/R)
Approve: PC-70

Bill 217: AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 10,000 SQUARE FEET (CN-10) AT WAIĀKEA HOUSE LOTS 1ST, WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEYS: 2-2-027:038, 039, AND 058 (Applicant: James Ishii) (Area: 58,500 square feet)
The Windward Planning Commission forwards its negative recommendation for this change of zone, which would allow the applicant to consolidate three contiguous lots on which the applicant’s three existing dwellings would be removed to develop a 14,000 square foot commercial building to be used as office space with on-site parking provided.

Reference: Comm. 908.1
Intr. by: Mr. Ilagan (B/R)
Approve: PC-71
Bill 220: AMENDS ORDINANCE NO. 16-73, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016, TO JUNE 30, 2017
Adds the Parks and Recreation Hilo Bayfront Trails - Federal project for $165,667 to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable ($165,667). Funds would be used to construct a paved multi-purpose pathway along Hilo Bayfront.

Reference: Comm. 928
Intr. by: Ms. Eoff
Waived: FC
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 221: REPEALS ORDINANCE NO. 15-81, WHICH INITIATED AN AMENDMENT TO ARTICLE VI, CHAPTER 3, SECTION 6-3.4, OF THE HAWAI‘I COUNTY CHARTER (2014), RELATING TO COUNTY BANDS

Reference: Comm. 930
Intr. by: Mr. Ilagan
2/3 Vote: First of three required readings

ORDER OF THE DAY (SECOND OR FINAL READING)

REPORTS

REFERRALS FOR EXECUTIVE SESSION

Comm. 931: IN THE MATTER OF COUNTY OF HAWAI‘I (HILO DRAG STRIP AND HILO TRAP AND SKEET RANGE), HILO, HAWAI‘I; PROCEEDINGS UNDER SECTIONS 1423 (C) AND 1445 (A) OF THE SAFE DRINKING WATER ACT, 42 U.S.C. §§ 300H-2(C) AND 300J-4(A) DOCKET NO. UIC-09-2016-000X
From Deputy Corporation Counsel J. Yoshimoto, dated July 11, 2016, requesting an attorney-client confidential discussion to consult with the Council on the above-entitled matter, including matters pertaining to a proposed settlement agreement between the United States Environmental Protection Agency and the County of Hawai‘i regarding the operation of large capacity cesspools at the Hilo Drag Strip and Hilo Trap and Skeet Range.

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.

The meeting places are accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by July 15, 2016. 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 Members Greggor Ilagan and Dennis “Fresh” Onishi 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, 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:

- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu;
- 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.

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).

Viewing of Meetings on Government Access Television - Channel 55:
Wednesdays, July 27 (to follow the viewing of the July 7, 2016, meeting scheduled to start at 6 p.m.) and August 3, 2016, at 6 p.m.; Fridays, July 29 and August 5, 2016, at 12 p.m.; and Sundays, July 31 and August 7, 2016, at 9 a.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/).)