COUNTY COUNCIL

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

26th Session

ORDER OF BUSINESS

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

November 18, 2015
9:00 a.m.

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

INVOCATION

Pastor Jason Meechan of Kona Faith Center

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

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 287-15: AUTHORIZES THE DIRECTOR OF FINANCE TO ENTER INTO NEGOTIATIONS FOR THE ACQUISITION OF TAX MAP KEY: 9-5-012:005 SITUATED IN THE DISTRICT OF KA‘Ū, ALSO KNOWN AS KAHUA ʻOLOHŬ, UTILIZING THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

The 13 acre Kahua ʻOlohū property is listed as a key priority for purchase in the 2014 Annual Report of the Public Access, Open Space, and Natural Resources Preservation Commission for its historical significance and cultural importance.

Reference: Comm. 476
Intr. by: Ms. David
Approve: FC-37
Postponed: October 20 and November 3, 2015

(Note: There is a pending motion by Ms. David and duly seconded by Mr. Paleka to approve Res. 287-15.)
Res. 312-15  
**(Draft 2):** AUTHORIZES THE ACCEPTANCE OF THE DONATION OF LOT 45, SITUATED AT KAIWIKI, DISTRICT OF SOUTH HILO, ISLAND OF HAWAI‘I AND STATE OF HAWAI‘I, BEING A PORTION OF TAX MAP KEY: 2-9-004:014 (POR.), FROM KAHUNA FALLS, LLC, DBA KAHUNA FALLS OF MARYLAND, LLC. The donation would remedy a County paved road encroaching onto private property.

Reference: Comm. 515.2  
Intr. by: Ms. Poindexter  
Approve: PWPRC-18

Res. 320-15:  
ACCEPTS THE DEDICATION OF ROAD LOTS 50, 51, R-3, R-2-B, 501, 502, 503, 6-C AND 142, BEING A PORTION OF TAX MAP KEY NOS.: 7-3-060:051 (POR), 7-3-061:053 AND 054, AND 7-3-010:057, SITUATED AT KALAOA 5TH, DISTRICT OF NORTH KONA, ISLAND OF HAWAI‘I, STATE OF HAWAI‘I, FROM TRI INDEX HOLDINGS, INC., A HAWAI‘I CORPORATION. The road lots would be used for public roadway purposes.

Reference: Comm. 529  
Intr. by: Ms. Poindexter  
Approve: PWPRC-19

Res. 321-15:  
ACCEPTS THE DEDICATION OF ROAD LOTS 110, 111 AND 509, BEING A PORTION OF TAX MAP KEY NOS.: 7-3-060:051 (POR) AND 7-3-061:053, SITUATED AT KALAOA 5TH, DISTRICT OF NORTH KONA, ISLAND OF HAWAI‘I, STATE OF HAWAI‘I, FROM TRI INDEX HOLDINGS, INC., A HAWAI‘I CORPORATION. The road lots would be used for public roadway purposes.

Reference: Comm. 530  
Intr. by: Ms. Poindexter  
Approve: PWPRC-20
Res. 325-15:  APPROVES THE HAWAI‘I STATE ASSOCIATION OF COUNTIES’ (HSAC) SLATE OF OFFICERS FOR FISCAL YEAR 2015-2016

This resolution would approve the following HSAC slate of officers:
President, Michael P. Victorino (Maui County Council - Gladys Baisa, Alternate); Vice President, Dennis “Fresh” Onishi (Hawai‘i County Council – Daniel K. Paleka Jr., Alternate); Treasurer, J. Ikaika Anderson (Honolulu City Council - Joey Manahan, Alternate); and Secretary, Mel Rapozo (Kaua‘i County Council - Ross Kagawa, Alternate).

Reference:  Comm. 539
Intr. by:  Mr. Onishi
Waived:  GREDC

Res. 329-15:  AUTHORIZES THE HAWAI‘I FIRE DEPARTMENT TO AWARD FUNDS TO THE ANEKONA OULI KANEHOA VOLUNTEER FIRE DEPARTMENT (VFD) COMPANY

A grant of $40,000 would be provided to the Anekona Ouli Kanehoa VFD Company to develop and implement a volunteer fire station in Kamuela.

Reference:  Comm. 543
Intr. by:  Ms. Eoff
Waived:  FC


Funds of $200,000 would be used by the Police Department to purchase a Leica Scan Station PS30, accessories, and training, which will reduce the time it takes to reopen a roadway after a fatality investigation and improve the completeness, consistency and accuracy of the Motor Vehicle Accident Report Diagram in fatal Motor Vehicle Collision reports.

Reference:  Comm. 544
Intr. by:  Ms. Eoff
Waived:  FC
Res. 331-15: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 HAWAI‘I NATIONAL GUARD YOUTH CHALLENGE ACADEMY FOUNDATION, TO ASSIST WITH EXPENSES RELATED TO TRANSPORTATION FOR THE STARBASE – HAWAI‘I PROGRAM DURING THE 2015-2016 SCHOOL YEAR
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 548
Intr. by: Mr. Ilagan

Res. 332-15: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 EXPENSES RELATING TO THE INAUGURAL SAKADA DAY CELEBRATION
Transfers $2,000 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. 550
Intr. by: Mr. Ilagan

Res. 333-15:TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO SOCIETY FOR KONA’S EDUCATION AND ART TO PAY FOR PROMOTIONAL ADVERTISING AND MATERIALS FOR THE SOUTH KONA CULTURAL EVENTS
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Research and Development, Tourism Promotion account. Funds would be used for promotional advertising and materials for exhibition rooms showcasing Hawaiian quilts and artistry.

Reference: Comm. 551
Intr. by: Ms. David
Res. 334-15:  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 TO ASSIST WITH EXPENSES RELATED TO THE INAUGURAL SAKADA DAY CELEBRATION
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference:  Comm. 552
Intr. by:  Mr. Paleka

Res. 335-15:  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 HAWAI‘I NATIONAL GUARD YOUTH CHALLENGE ACADEMY FOUNDATION, TO ASSIST THE STARBASE HAWAI‘I PROGRAM WITH TRANSPORTATION EXPENSES FOR THE 2015-2016 SCHOOL YEAR
Transfers $400 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Prosecuting Attorney, Other Current Expenses account.

Reference:  Comm. 555
Intr. by:  Mr. Chung

Res. 336-15:  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 THE SAKADA DAY CELEBRATION 2015
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference:  Comm. 556
Intr. by:  Ms. Poindexter
Res. 340-15: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR SUBSCRIPTION AGREEMENT WITH THOMPSON REUTERS, WESTLAW. Authorizes the Mayor to enter into a five-year subscription agreement for online legal research services and legal print resources for the Office of Corporation Counsel, at an approximate cost of $72,000 per year.

Reference: Comm. 560
Intr. by: Ms. Eoff
Waived: FC

Res. 341-15: 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 HAWAI‘I NATIONAL GUARD VOLUNTEER SUPPORT ORGANIZATION, INC., TO ASSIST WITH TRANSPORTATION FOR THE HAWAI‘I ISLAND STARBASE PROGRAM DURING THE 2015-2016 SCHOOL YEAR. Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 553
Intr. by: Mr. Onishi

BILLS FOR ORDINANCES (FIRST READING)

Bill 108: AMENDS SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – TWENTY ACRES (A-20a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT KALAOA 5TH, NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY: 7-3-004:012 (Applicant: Brett W. Ritchie) (Area: Approx. 5.94 acres)

The Leeward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to create a three-lot family agricultural subdivision. The applicant states that the existing dwelling would be demolished and the family would construct three separate residences on lots ranging in size from 1.2 to 3.3 acres.

Reference: Comm. 523
Intr. by: Mr. Ilagan (B/R)
Approve: PC-34
Bill 109:  AMENDS ORDINANCE NO. 94-6, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL – 10,000 SQUARE FEET (CG-10) AT WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-2-024:008 (Applicant: Eric Hoota) (Area: 26,770 square feet)

The Windward Planning Commission forwards its favorable recommendation for this amendment to Ordinance 94-6, which would allow a five-year time extension for an office building to be constructed to accommodate a dental laboratory and financial services. The five-year time extension would commence on the date of the approval of this amendment.

Reference: Comm. 524
Intr. by: Mr. Ilagan (B/R)
Approve: PC-35

Bill 110:  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 – 20,000 SQUARE FEET (CN-20) AT WAIĀKEA HOUSE LOTS SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-2-034:083 (Applicant: Nimr Tamimi) (Area: Apprx. 22,000 square feet)

The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to construct a 6,300 square foot building for the new location of Atebara Chips and Hawaiʻi Island Gourmet, and tenant space for other businesses.

Reference: Comm. 525
Intr. by: Mr. Ilagan (B/R)
Approve: PC-36


Appropriates revenues in the Federal Grants – Hawaiʻi County Police Department (HCPD) Leica Scan Station account ($200,000); and appropriates the same to the HCPD Leica Scan Station account. Funds would be used by the Police Department to purchase a Leica Scan Station PS30, accessories, and training, which will reduce the time it takes to reopen a roadway after a fatality investigation and improve fatal motor vehicle collision reports.

Reference: Comm. 544
Intr. by: Ms. Eoff
Waived: FC
Bill 114:  
Increases revenues in the Federal Grants – Hawai‘i County Police Department (HCPD) Traffic Investigation Program account ($8,700); and appropriates the same to the HCPD Traffic Investigation Program Grant account. Funds would be used with existing funds to increase the number of officers trained in traffic crash reconstruction, other traffic crash related courses, and additional funding for a Crash Data Retrieval Unit.

Reference:  Comm. 545  
Intr. by:  Ms. Eoff  
Waived:  FC  

ORDER OF THE DAY (SECOND OR FINAL READING)  

Bill 100 (Draft 2):  
AMENDS CHAPTER 20, ARTICLE 5, SECTIONS 20-50 AND 20-52 OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO REFUSE  
Amendments would allow for the transport of refuse from transfer stations to the non-designated landfill if doing so would avoid penalty fees, help to meet minimum volumes to qualify for discounted fees, or if the designated landfill is under repair.

Reference:  Comm. 493.2  
Intr. by:  Ms. Wille  
First Reading:  November 3, 2015  

Bill 111:  
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 Public Works Mass Transit Maintenance and Baseyard Facility – County project for $2 million to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources ($2 million). Funds would be added to previously appropriated funds to cover higher than expected costs for the construction of the facility.

Reference:  Comm. 532  
Intr. by:  Ms. Eoff  
First Reading:  November 3, 2015  
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 – Justice Assistance Grant account ($92,825); and appropriates the same to the Justice Assistance Grant account. Funds would be used by the Police Department to purchase equipment and related technology to assist in tracking and managing accreditation files, a microfilm conservation project, and the installation of a security door system for its Criminal Investigation Division.

Reference: Comm. 533
Intr. by: Ms. Eoff
First Reading: November 3, 2015

REPORTS

PC-33 (Comm. 522): NOMINATION OF BENJAMIN N. NEY TO THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE


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, 2015. 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 Aaron Chung 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:

- **Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.**

Public attendance via courtesy site is also available at the following location until public testimony has been completed or 4:30 p.m., whichever comes first:

- **Conference Room adjacent to Hisaoka Gymnasium, Kamehameha Park Complex, 54-382 Kamehameha Park Road, Kapa‘au;**

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**
- **Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.**

If for technical or other unanticipated circumstances the video and/or audio connection cannot be made or 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:**
Wednesdays, November 25 and December 2, 2015, at 6:00 p.m.; Fridays, November 27 and December 4, 2015, at 12:00 p.m.; and Sundays, November 29 and December 6, 2015, at 9:00 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/).)