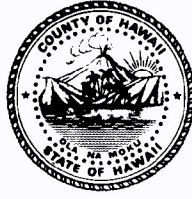


AARON S. Y. CHUNG
Chair & Presiding Officer

KAREN EOFF
Vice Chair



MAILE MEDEIROS DAVID
MATT KANEALI'I-KLEINFELDER
ASHLEY L. KIERKIEWICZ
SUSAN L. K. LEE LOY
VALERIE T. POINDEXTER
HERBERT M. "TIM" RICHARDS, III
REBECCA VILLEGAS

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

48th Session

ORDER OF BUSINESS

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

August 5, 2020

9:00 a.m.

Public Testimony: Public Testimony will be taken during the meeting via videoconference from the conference room across from the Hilo Council Chambers at 25 Aupuni St. (Hawai'i County Building), and at the Kona Council Office Conference Room at West Hawai'i Civic Center, 74-5044 Ane-Keohokālole Highway, Building A. Testifiers will be required to wear a protective mask that covers their mouth and nose, physically distance themselves from others, and sanitize their hands prior to entering the testimony site.

INVOCATION

Pastor Daniel Tomita of Kinoole 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

June 3, 2020

June 17, 2020

July 1, 2020

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 681-20: REQUESTS THE HAWAI'I COUNTY CORPORATION COUNSEL TO JOIN
(Draft 2) LEGAL ACTION, CITY & COUNTY OF HONOLULU VS. SUNOCO LP,
ET AL., CIV. NO. 20-380, AGAINST FOSSIL FUEL COMPANIES TO
RECOVER CLIMATE CRISIS-RELATED COSTS THAT HAVE IMPACTED
THE COUNTY OF HAWAI'I

Reference: Comm. 994.2
Intr. by: Ms. Villegas and
Mr. Kaneali'i-Kleinfelder
Approve: AWEEMC-16

Res. 683-20: AUTHORIZES THE DIRECTOR OF FINANCE TO NEGOTIATE A
MULTI-YEAR LEASE OF REAL PROPERTY, BEING A PORTION OF
34 RAINBOW DRIVE (OLD HILO HOSPITAL COMPLEX), SITUATED AT
PI'IHONUA, DISTRICT OF SOUTH HILO, COUNTY AND STATE OF
HAWAI'I, AND IDENTIFIED AS BEING A PORTION OF TAX MAP
KEY: 2-3-026:008, TO THE BIG ISLAND SUBSTANCE ABUSE COUNCIL

Authorizes the Finance Director to negotiate a lease for 15 years with an option for
three additional five-year terms with the Big Island Substance Abuse Council, to
be used as a residential and outpatient treatment facility, with an annual cost of
\$10.

Reference: Comm. 999
Intr. by: Ms. David (B/R)
Approve: FC-127

Res. 684-20: CHANGES THE FUNDING SOURCE OF ONE ACCOUNT CLERK POSITION
A contract position with the State Workforce Development Division would be retained as a permanent position by the County's Elderly Activities Division.

Reference: Comm. 1000
Intr. by: Ms. David (B/R)
Approve: FC-128

Res. 695-20: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF \$150 FROM THE FRATERNAL ORDER OF EAGLES TO THE DEPARTMENT OF PARKS AND RECREATION'S PANA'EWA RAINFOREST ZOO AND GARDENS

Reference: Comm. 1014
Intr. by: Ms. David (B/R)
Waived: FC

Res. 696-20: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF \$2,600 FROM POLYNESIAN ADVENTURE TOURS, LLC, TO THE DEPARTMENT OF PARKS AND RECREATION'S PANA'EWA RAINFOREST ZOO AND GARDENS

Reference: Comm. 1015
Intr. by: Ms. David (B/R)
Waived: FC

Res. 697-20: AUTHORIZES THE ACCEPTANCE OF A DONATION OF A COLOR COPIER AND TONER SUPPLIES FROM ABLE ELECTRIC, INC., TO THE DEPARTMENT OF PARKS AND RECREATION'S KAMANA SENIOR CENTER

Reference: Comm. 1016
Intr. by: Ms. David (B/R)
Waived: FC

Res. 700-20: AUTHORIZES MEMBERS OF THE HAWAI'I COUNTY COUNCIL TO DESIGNATE A PORTION OF FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDING TOWARDS PROGRAMS/PROJECTS IN RELATION TO THE COVID-19 PANDEMIC ON THE ISLAND OF HAWAI'I

Each Council Member would be allotted \$100,000 of CARES Act funding that must be designated for use by September 30, 2020, and expended before December 30, 2020, with all expenditures made in accordance with criteria as established by the CARES Act.

Reference: Comm. 1021
 Intr. by: Mr. Chung
 Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 150: 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 MULTIPLE-FAMILY RESIDENTIAL – 1,500 SQUARE FEET (RM-1.5) TO SINGLE FAMILY RESIDENTIAL – 7,500 SQUARE FEET (RS-7.5) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP
KEY: 2-4-028:009 (Planning Director Initiated) (Area: 3.292 Acres)

The Windward Planning Commission forwards its favorable recommendation for this change of zone. The Planning Director recommends returning the parcel to its original designation to create an appropriate land use pattern for the area. The property is located at 364 Hualālai Street, east of the Hale Nani Street-Hualālai Street intersection.

Reference: Comm. 798
 Intr. by: Ms. Kierkiewicz (B/R)
 Approve: PC-49

Bill 180: AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL – 20,000 SQUARE FEET (CG-20) AT WAIĀKEA HOUSELOTS 2ND, WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-021:008
(Applicant: Ted Tran/Tran-Tonnu Family Trust) (Area: 20,812 square feet)
 The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to develop a 9,500 square-foot warehouse building with three 720 square-foot food stalls and a 17-stall parking lot. The property is located at 78 Lanihuli Street, approximately 150 feet northeast of its intersection with Kino'ole Street.

Reference: Comm. 990
 Intr. by: Ms. Kierkiewicz (B/R)
 Approve: PC-50

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 178: AMENDS CHAPTER 19, ARTICLE 8, SECTION 19-59, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO NATIVE FOREST DEDICATIONS

 Creates three native forest categories (native forests, functional forests, and successional forests), and establishes a dedication process for forest preservation and restoration.

Reference: Comm. 988
 Intr. by: Ms. Poindexter
 First Reading: July 22, 2020

Bill 179:
(Draft 2)

ESTABLISHES A COUNTY CONSTRUCTION CODE RELATING TO BUILDING CONSTRUCTION AND RELATED SYSTEMS WITHIN A BUILDING UNDER CONSTRUCTION BY AMENDING THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), AS FOLLOWS:

- 1) ADOPTS NEW CHAPTERS 5 (CONSTRUCTION ADMINISTRATIVE CODE), 5A (BUILDING CODE), 5D (ELECTRICAL CODE), 5E (ENERGY CONSERVATION CODE), AND 5F (PLUMBING CODE);
- 2) AMENDS CHAPTER 2, SECTION 2-39; CHAPTER 3, SECTIONS 3-14 AND 3-15; AND CHAPTER 25, SECTIONS 25-1-5, 25-4-10, AND 25-4-60; AND
- 3) REPEALING CHAPTERS 5 (BUILDING CODE), 9 (ELECTRICAL CODE), AND 17 (PLUMBING CODE)

Establishes a new Construction Code for the County of Hawai'i by: repealing existing Chapter 5 (Building), Chapter 9 (Electricity), and Chapter 17 (Plumbing); creating new chapters for installation provisions for Building, Electrical, Energy Conservation, and Plumbing; and combining administrative provisions from Chapter 5, Chapter 9, and Chapter 17 into a single, new chapter. The amendments also include adoption of a new electrical code based on the 2017 National Electrical Code and adoption of a new plumbing code based on the 2012 Uniform Plumbing Code, adding a new appendix for tiny house building standards, and transitioning the County from requiring separate construction permits to a single-permit system.

Reference: Comm. 989.30

Intr. by: Ms. Lee Loy (B/R)

First Reading: July 22, 2020

Comm. 989.31: *; and*
From Council Member Matt Kaneali'i-Kleinfelder, dated July 28, 2020, transmitting a proposed amendment to Bill 179 relating to photovoltaic equipment and components.

Comm. 989.32: *; and*
From Council Member Herbert M. "Tim" Richards, III, dated July 28, 2020, transmitting proposed amendments to Bill 179 relating to horticulture buildings and barbed wire fences.

Comm. 989.33: *; and*
From Council Member Valerie T. Poindexter, dated July 28, 2020, transmitting proposed amendments to Bill 179 relating to factory-built housing.

Bill 181: AMENDS ORDINANCE NO. 20-45, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2021

Appropriates revenues in the Recreation Miscellaneous Contributions account (\$2,000); and appropriates the same to the United States Tennis Association Facility Recovery Grant – Private account to be used toward cleaning and sanitation expenses in preparation for the reopening of the Ho'olulu Complex tennis courts.

Reference: Comm. 1001
Intr. by: Ms. David (B/R)
First Reading: July 22, 2020

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 reconsideration 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 **August 3, 2020**. If a response is received after **August 3, 2020**, 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.

Council Members will also be present at the Kona Council Chambers, West Hawai'i Civic Center, Building A.

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>.

The full text of the agendas are made available on the County website at www.hawaiicounty.gov. Click on Council Records to navigate to current agendas. For copies of the agenda(s) or questions, please contact Council Services at 961-8255.

Submitting Written Testimony: The Council encourages the public to submit thoughts, comments, and input via written testimony. To ensure timely delivery to Council Members prior to the meeting, written testimony must be submitted before 12:00 noon on the business day prior to the meeting by: (1) email to counciltestimony@hawaiicounty.gov, (2) facsimile to (808) 961-8912; or (3) mail to the County Clerk's Office in Hilo at 25 Aupuni Street, Hilo, Hawai'i, 96720. All written testimony, regardless of time of receipt, will be made a part of the permanent record. 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).