

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JANUARY 13, 2016
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. December 2, 2015 Public Hearing re: Bill No. 2604 and Bill No. 2606

E. INTERVIEW:

1. POLICE COMMISSION:

- [Michael C. Curtis](#) – Term ending 12/31/2018

F. CONSENT CALENDAR:

1. [C 2016-01](#) Communication (12/07/2015) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2015-2016, pursuant to Section 17 of Ordinance No. B-2015-796, the Operating Budget of the County of Kaua'i for Fiscal Year 2015-2016.

2. [C 2016-02](#) Communication (12/07/2015) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Kevin T. Mince to the Police Commission – Term ending 12/31/2018. (*See Resolution No. 2016-01*)

3. [C 2016-03](#) Communication (12/08/2015) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Dorothea K. Hayashi to the Public Access, Open Space, Natural Resources Preservation Fund Commission (Hanapēpē – ‘Ele‘ele) – Term ending 12/31/2018.
(See Resolution No. 2016-02)
4. [C 2016-04](#) Communication (12/28/2015) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to the various Boards and Commissions for the County of Kaua‘i:
- a. Board of Ethics
 - Addison C. Bulosan – Term ending 12/31/2018
 - b. Board of Review
 - Dorothy R. Bekeart – Term ending 12/31/2018
 - c. Board of Water Supply
 - Sherman Tsuyoshi Shiraishi – Term ending 12/31/2018
 - d. Charter Review Commission
 - Cheryl A. Stiglmeier – Term ending 12/31/2018
 - e. Civil Service Commission
 - Karen S. Matsumoto – Term ending 12/31/2018
 - f. Cost Control Commission
 - Laurie Lynn Koike Yoshida – Term ending 12/31/2018
 - g. Fire Commission
 - Clifton J. Miranda – Term ending 12/31/2018
 - Thomas M. Nizo – Term ending 12/31/2018
 - Bradley M. Maruyama – Term ending 12/31/2018
 - h. Kaua‘i Historic Preservation Review Commission
 - *Anne K. Schneider – Term ending 12/31/2018
 - **Althea Kalei Lovell Arinaga (Archaeology) – Term ending 12/31/2018 **(See Resolution No. 2015-67; Approved on December 16, 2015)**
 - **Lawrence Chaffin, Jr. (At-Large) – Term ending 12/31/2018 **(See Resolution No. 2015-68; Approved on December 16, 2015)**

- i. Liquor Control Commission
 - Pauline D. Ventura – Term ending 12/31/2018
- j. Planning Commission
 - Louis E. Abrams (Business) – Term ending 12/31/2018
- k. Police Commission
 - Mary K. Hertog – Term ending 12/31/2018
- l. Public Access, Open Space, Natural Resources Preservation Fund Commission
 - *Karen K. Ono – Term ending 12/31/2018
 - **Theodore Kawahinehelelani Blake (Kōloa – Po‘ipū – Kalāheo) – Term ending 12/31/2018 (***See also C 2016-05 and Resolution No. 2016-15***)
 - **Dorothea K. Hayashi (Hanapēpē – ‘Ele‘ele) – Term ending 12/31/2018 (***See also C 2016-03 and Resolution No. 2016-02***)
- m. Salary Commission
 - Jo Ann Shimamoto – Term ending 12/31/2018

*Mayoral Reappointment; Council confirmation not needed
 **Council Reappointment

(See Resolution No. 2016-02, Resolution No. 2016-03, Resolution No. 2016-04, Resolution No. 2016-05, Resolution No. 2016-06, Resolution No. 2016-07, Resolution No. 2016-08, Resolution No. 2016-09, Resolution No. 2016-10, Resolution No. 2016-11, Resolution No. 2016-12, Resolution No. 2016-13, Resolution No. 2016-14, Resolution No. 2016-15, and Resolution No. 2016-16)

5. [C 2016-05](#) Communication (01/05/2016) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Theodore Kawahinehelelani Blake to the Public Access, Open Space, Natural Resources Preservation Fund Commission (Kōloa – Po‘ipū – Kalāheo) – Term ending 12/31/2018. (***See Resolution No. 2016-15***)

G. COMMUNICATIONS:

1. [C 2016-06](#) Communication (11/30/2015) from the County Engineer, transmitting for Council consideration, amendments to Chapter 14, Kaua‘i County Code 1987, as amended, relating to the Plumbing Code for adoption of the 2012 Uniform Plumbing Code based on the State Building Code Council’s recommendation to assure minimum health and safety standards for plumbing work.
(See Proposed Draft Bill (No. 2612))

2. [C 2016-07](#) Communication (11/30/2015) from the County Engineer, transmitting for Council consideration, amendments to Chapter 13, Kaua'i County Code 1987, as amended, relating to the Electrical Code for adoption of the National Electrical Code, 2014 Edition based on the State Building Code Council's recommendation to assure minimum health and safety standards for electrical work.
(See Proposed Draft Bill (No. 2613))

3. [C 2016-08](#) Communication (12/03/2015) from the Director of Economic Development, transmitting for Council approval and authorization to:
 1. Receive funds from the State Division of Vocational Rehabilitation (DVR); and
 2. Expend funds for the County of Kaua'i Workforce Innovation and Opportunity Act (WIOA) / Division of Vocational Rehabilitation Summer Youth Employment Program, subject to availability via the Title 4 – WIOA / DVR Federal grant, for an estimated total of \$140,000 for a three-year contract, for the County of Kaua'i to conduct a Summer Youth Employment Program for vocational rehabilitation participants (with special needs) with subsidized summer jobs to acquire work experience in a safe environment in addition to helping them develop good work habits.

4. [C 2016-09](#) Communication (12/14/2015) from Councilmember Hooser, transmitting for Council consideration, amendments to Chapter 3, Kaua'i County Code 1987, as amended, by adding a new Article 6 relating to the Registration of Lobbyists, to comply with Article 14 of the Hawai'i State Constitution by requiring lobbyists to register with the County of Kaua'i, disclose the amount of money used by lobbyists to influence government decision-making, and identify themselves as lobbyists prior to testifying before the County Council or County agencies.
(See Proposed Draft Bill (No. 2614))

5. [C 2016-10](#) Communication (12/23/2015) from the Civil Defense Manager, requesting Council approval to accept a donation of a 2007 Enclosed Cargo Utility Trailer from the State of Hawai'i Department of Defense, valued at \$25,017.93, for the Kaua'i Fire Department's search and rescue operations.

6. [C 2016-11](#) Communication (01/04/2016) from Councilmember Chock, requesting agenda time to present the final report of the County Manager Sub-Committee of the Committee of the Whole pursuant to Resolution No. 2015-50.

7. [C 2016-12](#) Communication (01/06/2016) from Council Chair Rapozo, requesting the presence of the Planning Director, to provide the Council with a briefing and an update on the Planning Department's enforcement efforts relating to the Visitor Destination Area (VDA), Transient Vacation Rental (TVR), and Homestay Ordinances.

8. [C 2016-13](#) Communication (01/07/2016) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Supporting The Findings And Recommendations Provided In The Final Report Submitted By The State-County Functions Working Group (TAT). (**See Resolution No. 2016-17**)

H. CLAIMS:

1. [C 2016-14](#) Communication (12/21/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Gordon Lee, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2016-15](#) Communication (12/22/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Farmers Insurance Hawai'i, as subrogee of David Yukimura, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2016-16](#) Communication (12/28/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Kay-Marie Y. Constantino-Berry, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. [C 2016-17](#) Communication (12/29/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Leonita B. Mendoza, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. BUDGET & FINANCE COMMITTEE:a. **CR-BF 2016-01:** on Bill No. 2607

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements, Po'ipū Realty Partners, LLC - \$41,000*) **[Approved as Amended.]**

b. **CR-BF 2016-02:** on Bill No. 2608

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements, Kiahuna Fairways, LLC - \$47,750*) **[Approved as Amended.]**

2. COMMITTEE OF THE WHOLE:a. **CR-COW 2016-01:** on Bill No. 2604

A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE IN THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BARKING DOG NUISANCE **[Approved as Amended.]**

J. RESOLUTIONS:

1. [Resolution No. 2016-01](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Kevin T. Mince*)

2. [Resolution No. 2016-02](#) – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Dorothea K. Hayashi – Hanapēpē – ‘Ele‘ele*)

3. [Resolution No. 2016-03](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Addison C. Bulosan*)

4. [Resolution No. 2016-04](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Dorothy R. Bekeart*)

5. [Resolution No. 2016-05](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF WATER SUPPLY (*Sherman Tsuyoshi Shiraishi*)

6. [Resolution No. 2016-06](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Cheryl A. Stiglmeier*)

7. [Resolution No. 2016-07](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Karen S. Matsumoto*)

8. [Resolution No. 2016-08](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Laurie Lynn Koike Yoshida*)

9. [Resolution No. 2016-09](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Clifton K. Miranda*)

10. [Resolution No. 2016-10](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Thomas M. Nizo*)

11. [Resolution No. 2016-11](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Bradley M. Maruyama*)

12. [Resolution No. 2016-12](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Pauline D. Ventura*)

13. [Resolution No. 2016-13](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Louis E. Abrams – Business*)

14. [Resolution No. 2016-14](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Mary K. Hertog*)

15. [Resolution No. 2016-15](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Theodore Kawahinehelelani Blake – Kōloa – Po‘ipū – Kalāheo*)

16. [Resolution No. 2016-16](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Jo Ann Shimamoto*)

17. [Resolution No. 2016-17](#) – RESOLUTION SUPPORTING THE FINDINGS AND RECOMMENDATIONS PROVIDED IN THE FINAL REPORT SUBMITTED BY THE STATE-COUNTY FUNCTIONS WORKING GROUP (TAT)

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2612\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE

2. [Proposed Draft Bill \(No. 2613\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE

3. [Proposed Draft Bill \(No. 2614\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 6, RELATING TO THE REGISTRATION OF LOBBYISTS

L. BILLS FOR SECOND READING:

1. [Bill No. 2604, Draft 1](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE IN THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BARKING DOG NUISANCE (*See also CR-COW 2016-01; the Committee of the Whole recommended approval as amended to Bill No. 2604, Draft 1 on January 6, 2016.*)

2. [Bill No. 2607, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements, Po'ipū Realty Partners, LLC – \$41,000*) (*See also CR-BF 2016-01; the Budget & Finance Committee recommended approval as amended to Bill No. 2607, Draft 1 on January 6, 2016.*)

3. [Bill No. 2608, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements, Kiahuna Fairways, LLC – \$47,750*) (*See also CR-BF 2016-02; the Budget & Finance Committee recommended approval as amended to Bill No. 2608, Draft 1 on January 6, 2016.*)

M. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-828 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Kauai County Council relating to the enforcement of the Visitor Destination Area (VDA), Transient Vacation Rental (TVR), and Homestay Ordinances. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-829 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(E) of the Kauai County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Eric Y. Shibuya vs. County of Kauai, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

3. ES-830 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing for the case of Akira Kadomatsu, et al. vs. County of Kaua'i, et al., Civil No. 13-1-0324, (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

N. ADJOURNMENT.

- O. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2609](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS

- P. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

***TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.**