

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, MARCH 14, 2018**  
**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 meetings of the Council:

1. January 21, 2018 Public Hearing re: Resolution No. 2018-03 and Bill No. 2686
2. February 7, 2018 Council Meeting
3. February 7, 2018 Public Hearing re: Bill No. 2683, Bill No. 2684, Bill No. 2685, and Bill No. 2686

E. INTERVIEW:

1. CHARTER REVIEW COMMISSION:

- [Charles P. Stack](#) – Partial Term ending 12/31/2019

F. CONSENT CALENDAR:

1. [C 2018-56](#) Communication (01/26/2018) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Jonelle L. Jardin to the Police Commission – Term ending 12/31/2020. (**See Resolution No. 2018-09**)
2. [C 2018-57](#) Communication (02/14/2018) from Councilmember Chock, transmitting for Council consideration, a Resolution Amending Resolution No. 2017-02 And Resolution No. 2017-51, Relating To The Rules Of The Council Of The County Of Kaua‘i For The Organization Of Committees And The Transaction Of Business, which returns the Planning Committee back to the original structure of five (5) voting members and two (2) ex-officio members, as the Council has completed its work relating to the General Plan Update. (**See Resolution No. 2018-10**)

3. [C 2018-58](#) Communication (02/15/2018) from Councilmember Chock, transmitting for Council consideration, a Resolution Repealing Resolution No. 2017-03 And Resolution No. 2017-52, And Appointing The Chairpersons, Vice Chairpersons, And Members Of The Several Standing Committess Of The Council Of The County Of Kaua'i so that the Planning Committee reverts back to the original structure of five (5) voting members and two (2) ex-officio members, as the Council has completed its work relating to the General Plan Update. **(See Resolution No. 2018-11)**
  
4. [C 2018-59](#) Communication (02/27/2018) from the Economic Development & Intergovernmental Relations Committee Chair, transmitting for Council consideration, a Resolution appointing Councilmember Mason K. Chock to the Western Interstate Region Board of Directors for the term ending June 30, 2018. **(See Resolution No. 2018-12)**
  
5. [C 2018-60](#) Communication (03/02/2018) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Opposing H.B. No. 1665, H.D. 1, Relating To The Transient Accommodations Tax. **(See Resolution No. 2018-13)**

#### G. COMMUNICATIONS:

1. [C 2018-61](#) Communication (02/12/2018) from the Acting County Engineer, requesting Council approval of the provision for the payment of Attorneys' Fees contained within the Detention Basin Agreement made between the County of Kaua'i and Kiahuna Fairways, LLC, for the Pili Mai Development as the detention basins are required to collect, temporarily store, and control rates of stormwater runoff from the development.
  
2. [C 2018-62](#) Communication (02/14/2018) from Councilmember Yukimura and Councilmember Kawakami, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19 And Establishing A New Article 26, Chapter 22, Kaua'i County Code 1987, As Amended, Relating To Whips And Weapons On County Property. **(See Proposed Draft Bill (No. 2695))**

3. [C 2018-63](#) Communication (02/15/2018) from the Fire Chief, requesting Council approval to indemnify the State of Hawai'i and their employees and agents, per acceptance of the indemnification language contained in the Revocable Permit No. 7908.
4. [C 2018-64](#) Communication (02/21/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$236,000.00, and to indemnify the State of Hawai'i Department of Agriculture (HDOA), for the survey of irrigation pipeline easements, engineering and design, irrigation supplies, and installation of the irrigation system pipeline for the Kīlauea Community Agriculture Center.
5. [C 2018-65](#) Communication (02/21/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$25,000.00, and to indemnify the State Department of Labor and Industrial Relations (DLIR), to work with the Department of Education (DOE) – Natural Resources Pathway and Future Farmers of America (FFA) programs at Kaua'i, Kapa'a, and Waimea High Schools in providing summer internship programs for students to work on Kaua'i farms, ranches, and agriculture-related businesses.
6. [C 2018-66](#) Communication (02/23/2018) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (DOT), in the amount of \$164,036.00, to be used toward continued funding of one (1) Full-Time Equivalent (FTE) Special Prosecuting Attorney, travel, and training.
7. [C 2018-67](#) Communication (02/23/2018) from the Housing Director, requesting Council approval to expend \$1,450,000.00 from the Hawai'i Housing Finance and Development Corporation (HHFDC) due to reallocation of 2016 Housing Trust Fund (HTF) moneys. The HTF funds have been dedicated to the Koa'e Workforce Housing Development project, Koa'e Workforce Housing, L.P., and Mark Development, Inc. The additional funds will provide an additional six (6) units, for a total of eleven (11) units, for extremely low-income families who are at or below thirty percent (30%) of the Kaua'i Median Income (KMI). Indemnification of HHFDC is also requested.

8. [C 2018-68](#) Communication (02/27/2018) from Council Chair Rapozo, transmitting for Council consideration, a proposal to establish an Affordable Housing Trust Fund for the limited purpose of providing affordable housing to low and moderate income households. **(See Proposed Draft Bill (No. 2696))**
  
9. [C 2018-69](#) Communication (02/27/2018) from Councilmember Kawakami and Council Vice Chair Kagawa, transmitting for Council consideration, a proposal relating to revocable permits for vending in County rights-of-way. **(See Proposed Draft Bill (No. 2697))**
  
10. [C 2018-70](#) Communication (03/01/2018) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend State funds in the amount of \$273,760.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 16-VA-3 for the period of July 1, 2018 through June 30, 2019.
  
11. [C 2018-71](#) Communication (03/05/2018) from Councilmember Kaneshiro, transmitting for Council consideration, a Proposed Draft Emergency Bill to repeal Emergency Ordinance No. B-2018-835 and amend Ordinance No. B-2017-822, as amended, relating to the Capital Budget for the Fiscal Year July 1, 2017 through June 30, 2018, by revising the amounts estimated in the Highway Fund-CIP. This Emergency Ordinance is at the request of the Administration and corrects the Account Number identified in the Bill, which should have been 409-0000-250.02-00, instead of 408-0000-250.01-00. **(See Proposed Draft Bill (No. 2694))**
  
12. [C 2018-72](#) Communication (03/07/2018) from Mark Perriello, President and CEO of the Kaua'i Chamber of Commerce, requesting agenda time for a briefing on "Responsible Tourism," from Ms. Ólöf Ýrr Atladóttir, former Director General of the Icelandic Tourist Board and former Vice President of the European Travel Commission.

H. CLAIMS:

1. [C 2018-73](#) Communication (02/21/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Lihu'e Missionary Church, for damages to their property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2018-74](#) Communication (03/05/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Anthony Matsumura, for damage to his home, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2018-75](#) Communication (03/05/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tracey Aceret, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. [C 2018-76](#) Communication (03/05/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Gregory Schrepfer, for damage to his bike, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2018-04:** on PWPR 2018-04 Communication (01/26/2018) from Committee Chair Kagawa, requesting the presence of the State of Hawai'i Department of Transportation Highways Division Deputy Director Edwin H. Sniffen and Kaua'i District Engineer Larry Dill, P.E., to provide a briefing on the State's plans and options to address the traffic needs on both the east and west sides of Kaua'i.  
**[Received for the Record.]**

**2. PLANNING COMMITTEE:****a. CR-PL 2018-01:** on Bill No. 2686

A BILL FOR AN ORDINANCE TO AMEND THE KAUA'I COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit – Planning Commission Recommendation*) **[Approved as Amended.]**

**b. CR-PL 2018-02:** on Bill No. 2627, Draft 3

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU'E PLANNING DISTRICT (*County of Kaua'i, Applicant*) **[Received for the Record.]**

**J. RESOLUTIONS:**

1. [Resolution No. 2018-03](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO TERM LIMITS FOR COUNCILMEMBERS (*Public hearing held on February 21, 2018*)

2. [Resolution No. 2018-09](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Jonelle L. Jardin*)

3. [Resolution No. 2018-10](#) – RESOLUTION AMENDING RESOLUTION NO. 2017-02 AND RESOLUTION NO. 2017-51, RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

4. [Resolution No. 2018-11](#) – RESOLUTION REPEALING RESOLUTION NO. 2017-03 AND RESOLUTION NO. 2017-52, AND APPOINTING THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUA'I

5. [Resolution No. 2018-12](#) – RESOLUTION APPROVING A NOMINEE TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2018

6. [Resolution No. 2018-13](#) – RESOLUTION OPPOSING H.B. NO. 1665, H.D. 1, RELATING TO THE TRANSIENT ACCOMMODATIONS TAX

K. EMERGENCY BILL:

1. [Proposed Draft Bill \(No. 2694\)](#) – AN EMERGENCY ORDINANCE REPEALING EMERGENCY ORDINANCE NO. B-2018-835 AND AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND-CIP (*Pua Nani Road Drain Repair – CIP Budget*)

L. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2695\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY

2. [Proposed Draft Bill \(No. 2696\)](#) – A BILL FOR AN ORDINANCE ESTABLISHING A NEW ARTICLE 16, CHAPTER 6, KAUAI COUNTY CODE 1987, AS AMENDED, ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND

3. [Proposed Draft Bill \(No. 2697\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY

M. BILLS FOR SECOND READING:

1. [Bill No. 2627, Draft 3](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU'E PLANNING DISTRICT (*County of Kauai, Applicant*) (*See CR-PL 2018-02; the Planning Committee recommended Bill No. 2627, Draft 3 be received for the record.*)

2. [Bill No. 2686, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit – Planning Commission Recommendation*) (*See CR-PL 2018-01; the Planning Committee recommended approval as amended to Bill No. 2686, Draft 1 on February 28, 2018.*)

**N. 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 at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)*

**O. ADJOURNMENT.**

P. 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 at the Office of the County Clerk 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. 2688](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS IN THE LIQUOR FUND (*Department of Liquor Control – Radio Equipment - \$35,000*)
2. [Bill No. 2689](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, SECTION 23-3.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLING AT COUNTY PARKS, PLAYGROUNDS, OTHER FACILITIES, AND BEACHES

Q. 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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).**