

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, SEPTEMBER 6, 2017
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAI'I 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. July 26, 2017 Council Meeting

E. INTERVIEW:

1. CHARTER REVIEW COMMISSION:

- [Carol E. Suzawa](#) – Term ending 12/31/2017

F. CONSENT CALENDAR:

1. [C 2017-197](#) Communication (08/30/2017) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Requesting That The Hawai'i State Legislature Amend Chapter 92 Of Hawai'i Revised Statutes To Require Itself To Be Subject To The Sunshine Law. (***See Resolution No. 2017-45***)

G. COMMUNICATIONS:

1. [C 2017-198](#) Communication (08/09/2017) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 7, Article 1, Kaua'i County Code 1987, as amended, Relating to the Update of the General Plan for the County of Kaua'i. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2017-3) including the Commission's Draft of the General Plan and Accompanying Appendices; Director's Reports; and Minutes from the January 31, 2017, February 28, 2017, March 14, 2017, March 28, 2017, April 25, 2017, April 27, 2017, May 23, 2017, and June 13, 2017 Planning Commission Meetings, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2666)**)

2. [C 2017-199](#) Communication (08/15/2017) from the Housing Director, requesting Council approval to apply for, receive, expend, and indemnify grant money from the United States Department of Housing and Urban Development (HUD), in the amount of \$144,000.00, for the continuation of the two (2) Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinators' salaries.

3. [C 2017-200](#) Communication (08/21/2017) from the Executive on Aging, requesting Council approval to receive and expend State General Funds for Fiscal Year 2018 in the amount of \$62,815.00, and to indemnify the State Executive Office on Aging, for the County of Kaua'i, Agency on Elderly Affairs' Kupuna Caregivers Services, which includes adult day care, assisted transportation, chore, home-delivered meals, homemaker, personal care, respite, and transportation.

4. [C 2017-201](#) Communication (08/22/2017) from the Mayor, requesting Council approval to accept a donation of one (1) Automated External Defibrillator (AED) Unit in a carry case from the Rotary Club of Hanalei Bay, valued at \$2,370.00, which includes accessories with one (1) installed battery and one (1) backup each with a four (4) year warranty plan, and a one (1) year service contract.

5. [C 2017-202](#) Communication (08/22/2017) from the County Attorney, requesting authorization to expend funds up to \$300,000.00 to retain Special Counsel to represent various County Defendants in their respective individual capacities as it relates to Civil No. CV16-00350 filed in the United States District Court for the District of Hawai'i against the County of Kaua'i, Kaua'i Police Department, et al., and related matters.
6. [C 2017-203](#) Communication (08/23/2017) from Councilmember Kawakami, transmitting for Council consideration the following measures for inclusion in the 2018 Hawai'i State Association of Counties (HSAC) Legislative Package:
- A Bill for An Act Relating to Transient Accommodations Tax, to remove the cap for distribution of transient accommodations tax revenues to the counties;
 - A Bill for An Act Relating to Fire Sprinklers, to establish a tax credit of twenty-five percent (25%) of the total cost, including installation, of an automatic fire sprinkler or automatic fire sprinkler system in any new detached one- or two-family dwelling unit in a structure used only for residential purposes;
 - A Bill for An Act Relating to Taxation, to provide a taxpayer who hires an individual with a disability a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer; and
 - A Bill for An Act Relating to Taxation, to provide a taxpayer who hires an elderly individual a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer.
- (See Resolution No. 2017-46)***
7. [C 2017-204](#) Communication (08/24/2017) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2018 Hawai'i State Association of Counties (HSAC) Legislative Package, A Bill for An Act Relating to Zoning, to clarify County zoning authority by distinguishing Single-Family residential use from Single-Family vacation rental use and allowing amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period.
8. [C 2017-205](#) Communication (08/24/2017) from the Mayor, transmitting for Council consideration, the cost items for the United Public Workers (UPW) Bargaining Unit 1 for the period July 1, 2017 through June 30, 2021, which was recently ratified by the employees of Bargaining Unit 1. ***(See Proposed Draft Bill (No. 2667))***

9. [C 2017-206](#) Communication (08/25/2017) from the County Attorney, requesting authorization to expend additional funds up to \$100,000.00 from the Claims and Judgments account in relation to the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and the County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters.

H. LEGAL DOCUMENTS:

1. [C 2017-207](#) Communication (08/28/2017) from the Housing Director, recommending Council approval of an Amendment to Lease and Declaration of Covenants and Restrictions, situated at Tax Map Key (TMK) No. (4) 4-6-036-041, 5178 Kome Street Kapa'a, Kaua'i, Hawai'i, for the Transitional Rental Housing.
- Amendment to Lease
 - Declaration of Covenants And Restrictions
2. [C 2017-208](#) Communication (08/28/2017) from the Housing Director, recommending Council approval of an Amendment to Lease and Declaration of Covenants and Restrictions, situated at Tax Map Key (TMK) No. (4) 3-7-005-100:0004, 3934 Lawehana Street Lihu'e, Kaua'i, Hawai'i, for the Transitional Rental Housing.
- Amendment to Lease
 - Declaration of Covenants And Restrictions

I. CLAIM:

1. [C 2017-209](#) Communication (08/22/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by EAN Holdings/Damage Recovery Unit, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. RESOLUTIONS:

1. [Resolution No. 2017-45](#) – RESOLUTION REQUESTING THAT THE HAWAII STATE LEGISLATURE AMEND CHAPTER 92 OF HAWAII REVISED STATUTES TO REQUIRE ITSELF TO BE SUBJECT TO THE SUNSHINE LAW
2. [Resolution No. 2017-46](#) – RESOLUTION APPROVING AND RECOMMENDING PROPOSALS FOR INCLUSION IN THE 2018 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2666\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUAI (ZA-2017-3)

2. [Proposed Draft Bill \(No. 2667\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2017 AND JUNE 30, 2021

L. 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.)*

1. ES-915 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the County Administration, respectfully requests an Executive Session with the Council to provide the Council with a briefing on the offer to sell a portion of Tax Map Key (TMK) (4) 5-5-001:002 to the County for Black Pot Beach Park expansion purposes, 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.

2. ES-916 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5 (a)(1), (2), (4), and (5), and Kauai 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 to consider a request for legal representation to be provided by Special Counsel to various County Defendants in their respective individual capacities as it relates to Civil No. CV16-00350 filed in the United States District Court for the District of Hawai'i against the County of Kauai, Kauai Police Department, et al., and related matters. This briefing and consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

3. ES-917 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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 on the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, 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.

M. ADJOURNMENT.

- N. 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. 2661](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE

- O. 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, LĪHU'E, KAUA'I, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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