

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, NOVEMBER 1, 2017

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. October 4, 2017 Council Meeting
2. October 4, 2017 Public Hearing re: Bill No. 2666 and Bill No. 2667

E. CONSENT CALENDAR:

1. [C 2017-245](#) Communication (09/27/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Marissa L. Sandblom to the Charter Review Commission – Partial Term ending 12/31/2017. (**See Resolution No. 2017-53**)
2. [C 2017-246](#) Communication (10/11/2017) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A School Zone With A 15-Mile Per Hour (MPH) Speed Limit Near Kalāheo Elementary School For Polaris Road And A Portion Of Puʻu Road And Hokua Road, Kōloa District, County Of Kauaʻi. (**See Resolution No. 2017-54**)
3. [C 2017-247](#) Communication (10/20/2017) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding the interview and appointment of Marissa L. Sandblom to the Charter Review Commission, as Ms. Sandblom is a colleague of his place of employment, Grove Farm Company, Inc.

4. [C 2017-248](#) Communication (10/23/2017) from Councilmember Kawakami, providing written disclosure of a possible conflict of interest and recusal regarding the interview and appointment of Marissa L. Sandblom to the Charter Review Commission, as he is a Trustee of Waioli Corporation, a 501(c)(3) nonprofit organization whose mission is to preserve Kaua'i's numerous cultural sites and collections, which includes the Grove Farm Museum in Līhu'e.

F. COMMUNICATIONS:

1. [C 2017-238](#) Communication (10/04/2017) from the Acting County Engineer, requesting Council approval of the associated Release and Hold Harmless Agreement for the Department of Defense Civil-Military Innovative Readiness Training (IRT) program grant which was previously approved by the Kaua'i County Council at its September 20, 2017 Council Meeting, to construct a portion of the Lydgate-Kapa'a Bicycle/Pedestrian Path Phases C & D to include upgrading the existing County-owned parking lot located behind Kapa'a Missionary Church, and the construction of a new comfort station. *(See also CR-PWPR 2017-21; the Public Works / Parks & Recreation Committee recommended approval on October 25, 2017.)*
2. [C 2017-249](#) Communication (10/02/2017) from Councilmember Kawakami, requesting the presence of the Mayor, to provide a briefing on the Administration's priorities for the 2018 Legislative Session, beginning the dialogue regarding other potential County priorities and formulating the 2018 Kaua'i County Legislative Package.
3. [C 2017-250](#) Communication (10/06/2017) from the Chief of Police, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 16, Kaua'i County Code 1987, As Amended, Relating To The Traffic Code, to specify that parking a vehicle in a manner that obstructs the free movement of vehicles within the lane of travel is prohibited. ***(See Proposed Draft Bill (No. 2673))***
4. [C 2017-251](#) Communication (10/11/2017) from the Executive on Aging, requesting Council approval to receive and expend \$17,500.00 in State Health Insurance Assistance Program (SHIP) Funds (Federal funds) and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs for the development and implementation of a SHIP Program on the island of Kaua'i, to provide information and assistance to Medicare beneficiaries, their families, caregivers, and those nearing retirement or Medicare eligibility.

5. [C 2017-252](#) Communication (10/12/2017) from the Chief of Police, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 16, Kaua'i County Code 1987, Relating to The Traffic Code, to authorize civilian employees designated by the Chief of Police to tow or cause the towing of illegally parked vehicles that create traffic hazards or impede emergency operations. (***See Proposed Draft Bill (No. 2674)***)

6. [C 2017-253](#) Communication (10/20/2017) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend grant funds from the State of Hawai'i, Department of Health, Clean Water Branch to study the feasibility of an island-wide (i.e. County and private) biosolids reuse project; address the current lack of alternatives to landfill disposal for wastewater treatment plant generated sludge (i.e. biosolids) on Kaua'i; evaluate options for appropriate end uses for biosolids, inclusive of land application and composting and identify what level of biosolids treatment is required (i.e. Class A or B); evaluate the potential to optimize biogas production at the Lihu'e Wastewater Treatment Plant (WWTP) to be captured and used for its energy value; and address the 4,000 tons of biosolids which are being landfilled annually. The Department does not know the value of project funding at this time.

7. [C 2017-254](#) Communication (10/23/2017) from Councilmember Chock, transmitting for Council consideration, proposed amendments to amend Chapter 8, Section 8-8.6, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance, to provide a process for existing farm worker housing to obtain "farm worker housing use permits." (***See Proposed Draft Bill (No. 2675)***)

8. [C 2017-255](#) Communication (10/23/2017) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2018 County of Kaua'i Legislative Package, A Bill For An Act Relating To Animals; Licenses And Regulations, to delete the provision in Hawai'i Revised Statutes (HRS) that requires the County of Kaua'i to contract the Kaua'i Humane Society to provide animal services.

9. [C 2017-256](#) Communication (10/23/2017) from Councilmember Kawakami, transmitting for Council consideration the following measures for inclusion in the 2018 County of Kauaʻi Legislative Package:

- A Bill for An Act Relating to Tort Liability, to delete the sunset provision for the liability exceptions for county lifeguards.
- A Bill for An Act Making An Appropriation for Emergency Medical Services, to appropriate moneys to the Department of Health for Fiscal Year (FY) 2018-2019 for a 24 hours, 7 days a week ambulance unit for the County of Kauaʻi.
- 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 25% of the total cost, including installation, of an automatic fire sprinkler or automatic fire system in any new detached one or two-family dwelling unit in a structure used only for residential purposes; sunsets on June 30, 2026.
- 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.
- 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.

10. [C 2017-257](#) Communication (10/25/2017) from Councilmember Kawakami, transmitting for Council consideration for inclusion in the 2018 County of Kauaʻi Legislative Package, A Bill For An Act Relating To Tort Liability, to re-establish the liability exceptions for county lifeguards.

G. LEGAL DOCUMENT:

1. [C 2017-217](#) Communication (08/10/2017) from the County Attorney, recommending Council approval of a Grant of Easement, made between the County of Kaua'i and Sandy Saemann, Trustee of the Sandy Saemann Trust of 1990, conveying Easement "AU-1," Tax Map Key (TMK) No. (4) 5-2-004:069, Kīlauea Gardens Subdivision, Kīlauea, Kaua'i, Hawai'i, for access and utility purposes.

- Grant of Easement
(See also CR-PL 2017-09; the Planning Committee recommended C 2017-217 be received for the record on October 25, 2017.)

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

- a. **CR-PWPR 2017-21:** on C 2017-238 Communication (10/04/2017) from the Acting County Engineer, requesting Council approval of the associated Release and Hold Harmless Agreement for the Department of Defense Civil-Military Innovative Readiness Training (IRT) program grant which was previously approved by the Kaua'i County Council at its September 20, 2017 Council Meeting, to construct a portion of the Lydgate-Kapa'a Bicycle/Pedestrian Path Phases C & D to include upgrading the existing County-owned parking lot located behind Kapa'a Missionary Church, and the construction of a new comfort station. **[Approved.]**

2. PLANNING COMMITTEE:**a. CR-PL 2017-09:** on C 2017-217

Communication (08/10/2017) from the County Attorney, recommending Council approval of a Grant of Easement, made between the County of Kaua'i and Sandy Saemann, Trustee of the Sandy Saemann Trust of 1990, conveying Easement "AU-1," Tax Map Key (TMK) No. (4) 5-2-004:069, Kilauea Gardens Subdivision, Kilauea, Kaua'i, Hawai'i, for access and utility purposes.

- Grant of Easement
[Received for the Record.]

b. CR-PL 2017-10: on PL 2017-03

Communication (09/12/2017) from Committee Chair Chock, requesting the presence of the Planning Director, to provide a comprehensive briefing on the enforcement efforts by the Planning Department to address possible zoning and permit violations at the Hanalei Bay Resort; address the requirements and restrictions regarding timeshare/transient vacation rental and restaurant operations at the Hanalei Bay Resort; the actions pursued by the Planning Department; and a timeline of events.
[Received for the Record.]

3. BUDGET & FINANCE COMMITTEE:**a. CR-BF 2017-23:** on Bill No. 2668

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (2017 Bond Issuance Projects - \$25,750,000.00) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2017-53](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Marissa L. Sandblom*)

2. [Resolution No. 2017-54](#) – RESOLUTION ESTABLISHING A SCHOOL ZONE WITH A 15-MILE PER HOUR (MPH) SPEED LIMIT NEAR KALĀHEO ELEMENTARY SCHOOL FOR POLARIS ROAD AND A PORTION OF PU‘U ROAD AND HOKUA ROAD, KŌLOA DISTRICT, COUNTY OF KAUA‘I

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2673\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUA‘I COUNTY CODE 1987, RELATING TO THE TRAFFIC CODE (*Prohibited Parking*)

2. [Proposed Draft Bill \(No. 2674\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*Vehicle Towing Authorization*)

3. [Proposed Draft Bill \(No. 2675\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA‘I COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Farm Worker Housing Use Permits*)

K. BILL FOR SECOND READING:

1. [Bill No. 2668](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*2017 Bond Issuance Projects - \$25,750,000.00*) (*See also CR-BF 2017-23; the Budget & Finance Committee recommended approval on second and final reading.*)

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-926 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 Bid No. 3524, and related matters. This briefing and consultation involves the 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-927 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 and conveyance of a settlement offer in the case of Bruce R. Chapin vs. County of Kaua'i, et al., Civil No. 13-1-0160 (in the Circuit Court of the Fifth Circuit, State of Hawai'i), 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. 2669 – 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 ESTIMATED IN THE GENERAL FUND AND HIGHWAY FUND (*TAT Revenue and Island Wide Resurfacing - \$1,450,000.00*)

- 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, HAWAI‘I 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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