

## MINUTES

### **PUBLIC WORKS / PARKS & RECREATION COMMITTEE**

July 27, 2016

A meeting of the Public Works / Parks & Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Ross Kagawa, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, July 27, 2016, at 9:34 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock  
Honorable Arryl Kaneshiro  
Honorable JoAnn A. Yukimura  
Honorable Ross Kagawa  
Honorable Gary L. Hooser, Ex-Officio Member  
Honorable Mel Rapozo, Ex-Officio Member

Excused: Honorable KipuKai Kualii

Minutes of the June 29, 2016 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Yukimura, and carried by a vote of 4:0:1 (*Councilmember Kualii was excused*), the June 29, 2016 Public Works / Parks & Recreation Committee Meeting was approved.

Minutes of the July 13, 2016 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Yukimura, and carried by a vote of 4:0:1 (*Councilmember Kualii was excused*), the July 13, 2016 Public Works / Parks & Recreation Committee Meeting was approved.

The Committee proceeded as follows:

Bill No. 2628      **A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY (This item was Deferred to the October 12, 2016 Committee Meeting.)**

Committee Chair Kagawa:      I am going to recommend that we defer this item to the October 12, 2016 Committee Meeting. This deferral is requested by the Administration. Hanapēpē has worked with the Administration in several meetings and they seem to be onboard with the idea. There is unanimous consent by the businesses and the organizers that something needs to be done, so it appears as though Hanapēpē Friday Art Night is supportive and behind this proposal.

However, because this Bill not only impacts Hanapēpē, but affects the entire island, the Administration wants some time to work with Kīlauea, Kapa‘a, and other neighborhoods that this Bill could affect, relating to lunch wagons or what have you on County rights-of-way. So we are going to give the Administration what they want and give them some time if it is okay with the Committee. Any objections to that? Seeing none, anybody from the public wishing to speak on this before we defer?

Council Chair Rapozo: I am not on the Committee, but I have a couple of thoughts. The first is that we all received this testimony from the Hanapēpē Economic Alliance, and I am sure you all read it, but in it there is one paragraph that troubles me, and it is bold, and says, "County Councilmembers have suggested that it will be necessary to shut down Hanapēpē Friday Art Night if these problems are not resolved and Hanapēpē Friday Art Night does not become a managed event. If you want to keep Hanapēpē Friday Art Night open, please sign this letter of support." That was never stated.

Committee Chair Kagawa: That was never stated and it is totally inaccurate.

Council Chair Rapozo: Yes, and that bothers me because you end up with all of these signatures that these people were told, "If you do not sign this, the Council will shut down the event." Whoever wrote this needs to tell me where they got that information from. No one on this body ever inferred that this body would shut down Hanapēpē Friday Art Night and this body does not have the ability to shut down Hanapēpē Friday Art Night, unless we are going through a process. I just want to let the public know that this does not help the cause when you do these types of things. I support what they are trying to do, but I also believe that Hanapēpē is different and I am glad that the Administration recognized that they need more time, because the way it impacts Kapa‘a and Kīlauea may not be the way it impacts Hanapēpē. My suggestion to the Administration and this body is to take each venue separately. The Administration has the authority to create administrative rules, which they can do to govern any event or any permit, so let us give them the authority to do that. The details of the permit should be left with the Administration and they can address each venue differently. That is all I want to say. Thank you.

Committee Chair Kagawa: Thank you, Chair. This request is a verbal request. I would ask the Managing Director, Wally Rezentes, Jr., to please find out who sent that letter with that inaccurate language because we certainly do not want to convey a message from the Council that was not meant and nobody said it and did not give any orders to that fact. I hope the Managing Director can clarify that with me. Councilmember Yukimura.

Councilmember Yukimura: I appreciate the discussion about the different communities and how this law might affect them. I think if we want to allow the Administration to work community by community, we can pass a law that says that this can happen community by community. If we pass a law that is general, it is hard for the Administration to do regulations that are differential, unless the ordinance that we pass says they can do that. I trust that things will be working out until October so that the deferral will be used to figure things out, with

respect to the different communities, or we can just defer it and work on a law that allows town by town work with the Administration.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: It is possible. The camping rules for Lydgate are different from the camping rules at 'Anini. The County has that ability to create the rules or the laws individually for each specific activity and that is what we should do. You cannot just pass this law and expect it to work for every community. We need to take the time to figure out what works in each community because it is different. Like I said, the Kīlauea situation is not the same as Hanapēpē. I think the enabling legislation that we create would allow the Administration to draft up individual rules for that specific venue. That is all I am suggesting, that we take the time to see how we can make that happen.

Committee Chair Kagawa: Yes. I think the deferral reflects the Administration recognizing that they need to take their time and make sure that they try and come up with the best law that they can, given the concerns that came up from the community as this Bill was going through the Council process. In October, it still might not be ready to approve at that point, but hopefully it will keep on improving as we go on. It gives them more time to work with more communities and massage the Bill, if needed. That is my hope that we are not rushing into a bad bill that is not workable for the entire island. Anymore comments?

Councilmember Yukimura: One way we could do it is to amend this existing Bill to make it apply only to Hanapēpē and pilot it while the Administration works with the other communities to see if the rules we pass for Hanapēpē would work in Kapa'a and Kīlauea. This way right now, we are just deferring it.

Committee Chair Kagawa: Yes. I do not want this Council to micromanage the Office of Economic Development, the Planning Department, and the Department of Parks & Recreation because I think they are capable of spending the time, using their expertise, and coming up with a workable solution. I do not think we need a rocket scientist to figure this one out. However, like Council Chair Rapozo said, in Hanapēpē's case, they do trust the Hanapēpē Economic Alliance, but that may not be the case for Kīlauea or Kapa'a where they have an organization that they trust with giving the leadership. I think that is one of the problems—can they find that group that they can trust and make it work with this Bill? I think that is why they need some time. They need to organize it and see how it affects some of these large events and try to make sure that this Bill does not hamper those events. Councilmember Chock.

Councilmember Chock: I just have a clarification. Did the Administration ask for a specific date for the deferral?

Committee Chair Kagawa: Yes, they requested this date, October 12.

Councilmember Chock: Okay. Thank you.

Committee Chair Kagawa: It gives them a good two (2) months. Is everybody good? Councilmember Kaneshiro.

Councilmember Kaneshiro: The consensus is that we are just going to let the Administration handle it, from my understanding, and it may end up being a modification to what we have or it may end up being something new. I think the Administration has just asked to let them try and work a little more on it, so I am fine with that.

Committee Chair Kagawa: I know for a fact, because in talking with the Administration, I know a lot of times they are not present, but they are watching the meeting and they hear your comments, as well as Council Chair's comments. So I think hopefully they will listen to the comments that we have and try to come up with a good solution to this problem. Councilmember Yukimura.

Councilmember Yukimura: I just wanted to make sure that the person walking in does not want to testify on this Bill.

Committee Chair Kagawa: No, she is here for the Waikomo Road item in your Committee.

Councilmember Yukimura: Okay. Thank you.

Councilmember Kaneshiro moved to defer Bill No. 2628 to the October 12, 2016 Committee Meeting, seconded by Councilmember Chock, and carried by a vote of 4:0:1 (*Councilmember Kualii was excused*).

There being no further business, the meeting was adjourned at 9:45 a.m.

Respectfully submitted,



Codie K. Yamauchi  
Council Services Assistant I

APPROVED at the Committee Meeting held on August 10, 2016:



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ROSS KAGAWA  
Chair, PWPR Committee