

Tim

COUNCIL MEETING NOTICE and AGENDA

WEDNESDAY, OCTOBER 7, 2009

9:00 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS
Historic County Building
4396 Rice Street, Room 201
Līhu'e, Kaua'i, Hawai'i

MEETING CALLED TO ORDER.

ROLL CALL.

APPROVAL OF AGENDA.

COMMUNICATIONS:

- C 2009-317 Communication (09/01/2009) from the Chief of Building Division, Public Works Department, transmitting amendments to Chapter 13 (Electrical Code) of the Kaua'i County Code 1987, and adopting the National Electrical Code, 2008 Edition, as the standard for all electrical work. (*See Proposed Draft Bill No. 2331*)
- C 2009-318 Communication (09/18/2009) from Ronald A. Sato, AICP, Project Manager, Wilson Okamoto Corporation, transmitting for Council information, in accordance with Article 3, Section 11-3.1 (c)(2)(A) of the Kaua'i County Code 1987, as amended, the Affidavit as to the mailing and delivery of the Notice to area residents relating to Bill No. 2324 (State Land Use District Boundary Amendment), Bill No. 2325 (General Plan Amendment), Bill No. 2326 (Zoning Amendment), and Bill No. 2327 (Visitor Destination Area (VDA) Amendment), for Kaua'i Lagoons Resort Density Amendment Project, Applicant: MORI Golf (Kaua'i), LLC, Tax Map Keys: (4) 3-5-01:por. 27 and por. 168, Nāwiliwili, Kaua'i, Hawai'i. (*Copy on file in the County Clerk's Office.*)
- C 2009-319 Communication (07/14/2009) from the Chief of Police, requesting Council approval to expend \$12,000.00 in asset forfeiture funds to purchase four (4) laptop computers for the Traffic Safety Unit (TSU) which will be used to utilize the newest version of the Mapscenes software.

THE HONORABLE
COUNTY CLERK

09 OCT -1 P 4:42

RECEIVED

C 2009-320 Communication (09/11/2009) from the Housing Director, requesting Council approval of the process of the purchase and repair of 4262 Oama Place, Lihū'e, Hawai'i 96766 (Hokulei Estates) and to allow a second acquisition on an offer to purchase in the County's NSP Foreclosure Acquisition Repair and Resale project which has been accepted at \$336,000.00.

CLAIMS:

C 2009-321 Communication (09/17/2009) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Insurance for damages to Jim Delacruz' vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

BILLS FOR FIRST READING:

Proposed Draft Bill No. 2330 – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-229-91, RELATING TO ZONING DESIGNATION IN KĪLAUEA, KAUA'I (County of Kaua'i, Applicant) *(Deferred 09/23/2009)*

Proposed Draft Bill No. 2331 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 13 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, ENTITLED "ELECTRICAL CODE," ADOPTING THE NATIONAL ELECTRICAL CODE, 2008 EDITION AS STANDARD FOR ALL ELECTRICAL WORK

BILLS FOR SECOND READING:

Bill No. 2321, Draft 1 – A BILL FOR AN ORDINANCE ESTABLISHING A NEW ARTICLE 19, CHAPTER 22, KAUA'I COUNTY CODE 1987, RELATING TO PLASTIC BAG REDUCTION *(Deferred 09/23/2009)*

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §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 H.R.S. §92-4, H.R.S. §92-5(a), and Kaua'i County Charter §3.07E. (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.)

- ES-404 Pursuant to Haw.Rev.Stat. sections 92-4 and 92-5(a)(4), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide Council with a briefing and to request authority for a possible settlement proposal in the case of County of Kaua'i vs. Carvalho Enterprises, et al., Civil No. RC-09-1-0558 (District Court of the Fifth Circuit) 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.
- ES-405 Pursuant to Haw. Rev. Stat. sections 92-4, 92-5(a)(4) and (8), 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 a briefing, update, and to request authority relating to the expansion of the Kekaha Landfill, adjoining areas, 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.

ADJOURNMENT.

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

Bill No. 2322 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (ADU Building Permit deadline extension for non-residentially zoned land)

Bill No. 2323 – AN ORDINANCE AMENDING ORDINANCE NO. B-2009-691 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 2010, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$132,000 – Moana Kai (Fujii Shoreline Design/Permit)

Bill No. 2324 – A BILL FOR AN ORDINANCE AMENDING STATE LAND USE DISTRICT BOUNDARY IN NAWILIWILI, KAUAI (MORI Golf (Kauai) LLC., Applicant)

Bill No. 2325 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. PM-2006-382, RELATING TO GENERAL PLAN DESIGNATION IN NAWILIWILI, KAUAI (MORI Golf (Kauai), LLC., Applicant)

Bill No. 2326 – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383, RELATING TO ZONING DESIGNATION IN NAWILIWILI, KAUAI (MORI Golf (Kauai), LLC., Applicant)

Bill No. 2327 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. PM-2006-384, RELATING TO VISITOR DESTINATION AREA DESIGNATION IN NAWILIWILI, KAUAI (MORI Golf (Kauai), LLC., Applicant)

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.

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, ROOM 206, LIHU'E, KAUAI. TELEPHONE NO. 241-6371.

BERNARD P. CARVALHO JR.
MAYOR



DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-4992
RECEIVED

GARY K. HEU
ADMINISTRATIVE ASSISTANT

'09 SEP 16
EDMOND P. K. RENAUD
DEPUTY COUNTY ENGINEER
TELEPHONE 241-4992

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
BUILDING DIVISION
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 175
LIHU'E, KAUA'I, HAWAII 96766-1340

OFFICE OF THE COUNTY ENGINEER
THE COUNTY OF KAUA'I
COUNTY OF KAUA'I

September 1, 2009

Honorable Council Chair, Kaipo Asing
And Members of the Council
County of Kaua'i
Lihue, Hawai'i 96766

SUBJECT: AMENDMENT TO ELECTRICAL CODE ENFORCEMENT

For your review and adoption, we are transmitting herewith-proposed amendment to adopt the National Electrical Code 2008 Edition to be reference and made a part of Chapter 13 entitled 'Electrical Code' of the Kauai County Code 1987, as amended.


The proposed amendment is necessary for the enforcement of the Electrical Code where it will function in conjunction with other pertinent ordinances and laws. The amendment adopts the latest editions of the National Electrical Code and it will assist in the creation of a comprehensive Uniform State Electrical Code. The respective task force committee approved the amendments, which were then reviewed by the County Attorney as to form and legality.

If there are any questions or should you need any clarification or more information, please call Douglas Haigh or Don Lutao of the Building Division at (808) 241-4854.

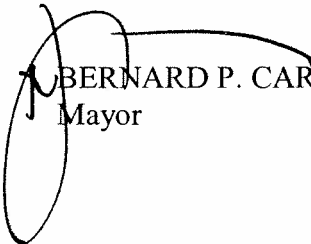
Very truly yours,

CONCUR:

APPROVED:


DOUGLAS HAIGH
Chief Building Division

for 
DONALD M. FUJIMOTO
County Engineer


BERNARD P. CARVALHO JR.
Mayor

Attachment

CD:DL/ELECTRICAL CODE '08 TRANSMITTAL TO COUNCIL

2009-317



6266-23
September 18, 2009

1907 South Beretania Street
Artesian Plaza, Suite 400
Honolulu, Hawaii, 96836 USA
Phone: 808 946 2277
Fax: 808 946 2253
www.wilsonokamoto.com

Honorable Council Chair Bill Kaipo Asing
Kauai County Council
4396 Rice Street, Room 206
Lihue, Kauai, Hawaii 96766

RECEIVED

'09 SEP 21 P 1:48

Attention: Mr. Peter Nakamura

Subject: Kauai County Council Public Hearing
Bill No. 2324, State Land Use District Boundary Amendment
Bill No. 2325, General Plan Amendment
Bill No. 2326, Zoning Amendment
Bill No. 2327, Visitor Destination Area (VDA) Amendment
Kauai Lagoons Resort Density Amendment Project
Applicant: MORI Golf (Kauai), LLC
Tax Map Keys: (4) 3-5-01: por. 27 and por. 168
Nawiliwili, Kauai, Hawaii

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Dear Council Chair Asing:

In accordance with Article 3, Section 11-3.1 (c) (2) (A) of the Kauai County Code of Ordinances, as amended, we hereby file the enclosed Affidavit as to Mailing of Notice with regard to the Kauai County Council Planning Committee public hearing scheduled for October 7, 2009 for the subject Application.

Should you have any questions, please call me at (808) 946-2277.

Sincerely,

Ronald A. Sato, AICP,
Project Manager

Attachment

cc: Mr. Steve Busch, MORI Golf (Kauai), LLC

C2009-318



BERNARD P. CARVALHO, JR.
Mayor

GARY K. HEU
Administrative Assistant

POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HI 96746-1248 :06
TELEPHONE (808) 241-1600
FAX (808) 241-1604

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SEP 24 2009
OFFICE OF THE CLERK
THE COUNTY OF KAUAI
COUNTY OF KAUAI



DARRYL D. PERRY
Chief of Police

MARK N. BEGLEY
Deputy Chief

July 14, 2009

Chairman William "Kaipo" Asing
and Council Members
KAUAI COUNTY COUNCIL
4396 Rice Street
Lihue, HI 96766

RE: REQUEST FOR APPROVAL TO PURCHASE FOUR (4) LAPTOP COMPUTERS

Dear Chairman Asing and Council Members:

The Traffic Safety Unit (TSU) is requesting to expend \$12,000.00 in asset forfeiture funds to purchase four (4) laptop computers.

TSU previously purchased Panasonic Toughbooks for use with Mapscenes 2006 forensic mapping software to complete to scale diagrams of crime scenes. The Panasonic Toughbooks were purchased approximately four (4) years ago. This software has been utilized in traffic collision investigations, as well as, murder scenes.

In May 2009, TSU purchased and received training on Mapscenes 2008. This is the newest version of the Mapscenes software which included significant updates and improvements. During this training, the Panasonic Toughbooks were utilized. While training with the new software all of the Toughbooks crashed multiple times. The crashes were caused by the slow processor speed, lack of memory and the lack of a stand alone video card.

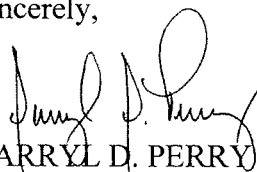
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Chairman Asing and Council Members
July 14, 2009
Page 2

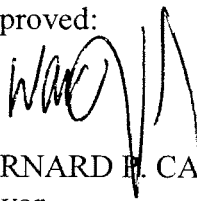
The lead instructor has recommended the purchase of new computers and provided a list of minimum requirements. To fully utilize the newly purchased software, TSU is requesting the purchase of four laptops with the minimum recommended specifications.

Should you have any questions or require further information, please do not hesitate to contact Officer Jason Overmyer of the Traffic Safety Unit at 241-1618.

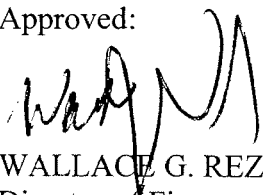
Sincerely,


DARRYL D. PERRY
Chief of Police

Approved:

For 
BERNARD H. CARVALHO, JR.
Mayor

Approved:


WALLACE G. REZENTES, JR.
Director of Finance

07089-319

Bernard P. Carvalho, Jr.
Mayor

Eugene K. Jimenez
Housing Director



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SEP 16 10:06

OFFICE OF THE COUNTY CLERK
THE COUNTY OF KAUAI

KAUAI COUNTY HOUSING AGENCY
Piikoi Building 4444 Rice Street Suite 330
Lihue Hawaii 96766

Gary K. Heu
Administrative Assistant

September 11, 2009

Honorable Chair Bill "Kaipo" Asing
and Council Members
Kaua'i County Council
4396 Rice Street
Lihue, Hawai'i 96766

Attention: Economic Development/Housing Committee Chair Dickie Chang

Dear Chair Asing:

SUBJECT: Neighborhood Stabilization Program (NSP)-Request to Acquire
4262 Oama Place, Lihue, Kaua'i, Hawai'i 96766
(4) 3-3-014-0847

This request is to allow the second (2nd) acquisition on an offer to purchase in the County's NSP Foreclosure Acquisition, Repair and Resale Project which has been accepted at \$336,000.00 on property situate at 4262 Oama Place, Lihue, Hawai'i 96766, (Hokulei Estates). The appraised value on this property is \$340,000.00.

This particular unit will be rehabilitated, marketed to 354 Kaua'i residents presently on the Affordable Housing Wait List, than sold to a qualified participant with the lowest lottery number.

The Housing Agency requests the Kaua'i County Council approve the process of purchase and repair of 4262 Oama Place, Lihue, Kaua'i, Hawai'i, 96766.

Thank you for your assistance with this matter.

Sincerely,

Eugene K. Jimenez
Eugene K. Jimenez
Housing Director

APPROVED:

Bernard P. Carvalho, Jr.
Bernard P. Carvalho, Jr.
Mayor

EKJ:fr



C 2009-320

COUNTY COUNCIL

Bill "Kaipo" Asing, Chair
Jay Furfaro, Vice Chair
Tim Bynum
Dickie Chang
Daryl W. Kaneshiro
Lani T. Kawahara
Derek S. K. Kawakami



Council Services Division
4396 Rice Street, Room 206
Līhu'e, Kaua'i, Hawai'i 96766-1371

OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk

Telephone (808) 241-6371
Fax (808) 241-6349
Email cokcouncil@kauai.gov

September 17, 2009

RECEIVED

'09 SEP 17 AID :40

The Honorable Bill "Kaipo" Asing
Chair, and Members of the County Council
County of Kaua'i
Līhu'e, Hawai'i 96766

Chair and Members:

Pursuant to Section 23.06, Charter of the County of Kaua'i, we transmit a claim filed against the County of Kaua'i by State Farm Insurance for damage to Jim Delacruz' vehicle.

A copy has been sent in advance to the County Attorney's Office.

Very truly yours,


PETER A. NAKAMURA
County Clerk

Enclosure

cc: County Attorney

Steve Camacho, Claim Representative, State Farm Insurance

C7009-371

ORDINANCE NO. _____

BILL NO. _____

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED "ELECTRICAL CODE," ADOPTING THE NATIONAL ELECTRICAL CODE, 2008 EDITION AS STANDARD FOR ALL ELECTRICAL WORK

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1: Chapter 13, Article 4, "Installation Requirement National Electrical Code," is hereby amended to read as follows:

**"ARTICLE 4. INSTALLATION REQUIREMENTS
NATIONAL ELECTRICAL CODE**

Sec. 13-4.1 Electrical Code To Govern.

The NATIONAL ELECTRICAL CODE, [2005] 2008 EDITION, as copyrighted and published in [2004] 2007, by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts [02269] 02269-7471, is hereby adopted by reference and made a part hereof, subject to the amendments hereinafter set forth as the standard for electrical work covered by this Code."

SECTION 2: Material to be deleted is bracketed. New material is underscored.

SECTION 3: If any provision of this ordinance or the application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 4. This Ordinance shall take effect 90 days after date of approval, but nothing in this Ordinance shall be construed to prohibit any person from complying with the provisions of the new code and the amendments thereto adopted hereunder.

INTRODUCED BY:

TIM BYNUM
(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kauai, Hawaii