

**COUNTY COUNCIL**  
Mel Rapozo, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Arryl Kaneshiro  
Derek S.K. Kawakami  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**

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**Council Services Division**  
4396 Rice Street, Suite 209  
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**MEMORANDUM**

August 22, 2018

**TO:** Bernard P. Carvalho, Jr., Mayor  
**FROM:** Mel Rapozo, Council Chair *MR*  
**RE:** **AUGUST 22, 2018 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its August 22, 2018 Council Meeting:

**CONSENT CALENDAR:**

C 2018-175 Communication (07/13/2018) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Elesther Calipjo to the Planning Commission (*Business*) – Partial Term ending 12/31/2019. ***(Received for the Record.)***

C 2018-176 Communication (07/26/2018) from Councilmember Chock, transmitting for Council consideration and confirmation, Council appointee Aubrey Summers to the Kaua'i Historic Preservation Review Commission (*Architecture*) – Term ending 12/31/2020. ***(Received for the Record.)***

**COMMUNICATIONS:**

C 2018-177 Communication (06/27/2018) from the Deputy Chief of Police, requesting Council approval, to accept funding from the Enhanced 911 (E-911) Board, in the amount up to \$312,000.00, which will be used for the remodel of the Kaua'i Public Safety Answering Point (PSAP), as there have been tremendous advancements in ergonomics, technical functionality, and equipment for the Emergency Services Dispatchers. ***(Approved.)***

C 2018-178 Communication (07/09/2018) from the Chief of Police, requesting Council approval of the indemnification provision in the Intergovernmental License Agreement for Law Enforcement Participants of the Sexual Assault Management System (SAMS 1.0), by and between the County of Kauaʻi and the City of Portland, which will allow comprehensive tracking of sexual assault cases and evidence, allowing the Kauaʻi Police Department to better serve victims of sexual assault, increase efficiency of multi-agency case collaboration and ensure compliance with new sexual assault legislation.

- Intergovernmental License Agreement for Law Enforcement Participants of the Sexual Assault Management System (SAMS 1.0) ***(Approved.)***

C 2018-179 Communication (07/11/2018) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kauaʻi County Code 1987, as amended, to distinguish two (2) Agriculture Districts, encourage agriculture production, and to discourage the development of "Gentlemen Estates" on lands suitable for long-term agriculture production. ***(Received for the Record.)***

C 2018-180 Communication (07/25/2018) from the Fire Chief, requesting Council approval, to accept a donation of the following items from the Kauaʻi Lifeguard Association (KLA):

- One (1) solar public announcement system, valued at \$6,510.00, which will be utilized by the Ocean Safety Bureau to outfit the Pinetrees Tower in Hanalei;
- Eight (8) Bennett surfboards, valued at \$10,068.00, which will be used in the Junior Lifeguard program for educational and promotional purposes, and for documentation of lifeguard training exercises; and
- One (1) Canon camera, Model #1053585, valued at \$1,249.99, which will be used in the Junior Lifeguard program for educational and promotional purposes, and for documentation of lifeguard training exercises. ***(Approved with thank-you letter to follow.)***

C 2018-181 Communication (07/26/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$51,313.00, from the Hawaiʻi Tourism Authority's (HTA) Kūkulu Ola Program, and to indemnify HTA, for the Ka Leo O Nā Kupa-Niʻihau Language Preservation Program. ***(Approved.)***

C 2018-182 Communication (07/31/2018) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend Federal Transit Administration (FTA) Section 5311 Non Urbanized Area Formula Program grant funds, in the amount of \$1,068,000.00, and FTA Section 5339 Non Urbanized Area Formula Program grant funds in the amount of \$900,000.00, and to indemnify the FTA. The Section 5311 grant will fund fifty percent (50%) of bus driver wages, hourly pay, and fringe benefit line items, and the Section 5339 grant will fund eighty percent (80%) of vehicle purchases and miscellaneous transit facility expenses. ***(Approved.)***

C 2018-183 Communication (08/06/2018) from the Fire Chief, requesting Council approval to accept, receive, and expend Federal funds, in the amount of \$63,025.00, from the Federal Emergency Management Agency, Assistance to Firefighters Grants (AFG), to be used by the Kaua'i Fire Department (KFD) to purchase a Command Certification Program (CPC) administered through a state-of-the-art Command Training Center (CTC) for Command & Control Training; and to purchase eight (8) laptop computers, eight (8) wireless mice, instructor and simulator software, twelve (12) two-way radios, twelve (12) headsets, three (3) Teledyne boxes, and subscription services for each KFD officer, which are all necessary to run the simulations. ***(Approved.)***

C 2018-184 Communication (08/13/2018) from Councilmember Kawakami, transmitting for Council consideration the following measures for inclusion in the 2019 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2019 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Tort Liability, to make an exemption from tort liability for the State and Counties arising from lifeguard services, except for gross negligence or wanton acts or omissions.
- 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.
- A Bill for An Act Relating to Zoning, to allow Counties with populations less than one hundred thousand to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.
- A Bill for An Act Relating to Transient Accommodations, to proscribe licensing requirements and enforcement provisions for transient vacation rentals under the department of commerce and consumer affairs, which takes effect on January 1, 2020.

***(Referred to the September 5, 2018 Economic Development & Intergovernmental Relations Committee Meeting.)***

C 2018-185 Communication (08/13/2018) from Council Chair Rapozo, transmitting for Council consideration the following measure for inclusion in the 2019 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2019 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Unadjudicated Traffic Fines, to transfer certain fines and forfeitures collected for uncontested traffic infractions to the counties. ***(Referred to the September 5, 2018 Economic Development & Intergovernmental Relations Committee Meeting.)***

C 2018-186 Communication (08/13/2018) from Councilmember Kawakami and Councilmember Kaneshiro, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 23, Kaua'i County Code 1987, As Amended, Relating to the Sunshine Market, to expand the list of agricultural products allowed to be sold at Sunshine Markets to include meat, shellfish, eggs, and whole fish. ***(Received for the Record.)***

#### LEGAL DOCUMENTS:

C 2018-187 Communication (07/30/2018) from the Acting County Engineer, recommending Council approval of a Right-of-Entry Permit between the County of Kaua'i and the State of Hawai'i, Department of Land and Natural Resources (DLNR) and to indemnify the State DLNR, to allow for construction of the shared-use path between Elsie H. Wilcox Elementary School, the Kaua'i War Memorial Convention Hall, and the Lihu'e Ball Park (Tax Map Key (TMK): (4) 3-6-003:021 & 22 (State-owned)).

- Right-of-Entry Permit (by letter dated April 5, 2018, addressed to Douglas Haigh, Chief of the Building Division, signed by Suzanne D. Case, Chairperson, Board of Land and Natural Resources Commission on Water Resource Management) ***(Approved.)***

C 2018-188 Communication (08/10/2018) from the Acting County Engineer, recommending Council approval of a Right-of-Entry Agreement between the County of Kaua'i and the State of Hawai'i, Department of Transportation, on State lands situated at Tax Map Key (TMK) (4) 1-8-008:004 (por.) and (4) 1-8-008:076, Hanapēpē, Kaua'i, Hawai'i, to allow the County to install protective measures for the Salt Ponds in Hanapēpē and assist in preserving a clean environment for the cultural practice of salt making.

- Right-of-Entry Agreement ***(Approved.)***

CLAIM:

C 2018-189 Communication (08/15/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Heather Barth on behalf of Mary K. Offley, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2018-27 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Elesther Calipjo – Business*) ***(Approved.)***

Resolution No. 2018-28 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION (*Aubrey Summers – Architecture*) ***(Approved.)***

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2719) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO AGRICULTURE DISTRICTS (ZA-2014-4) (*County of Kaua'i Planning Department, Applicant*) ***(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for September 26, 2018, and referred to the Planning Committee.)***

Proposed Draft Bill (No. 2720) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 23, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO SUNSHINE MARKETS ***(Deferred.)***

BILLS FOR SECOND READING:

Bill No. 2687, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8-2.1(A) AND SECTION 8-4.2(A), AND CHAPTER 10, SECTION 10-5A.7(A), KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE AND LIHU'E TOWN CORE URBAN DESIGN DISTRICT ***(Approved.)***

Bill No. 2715 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND HIGHWAY FUND-CIP (*Salt Pond Wastewater Improvements and Hanapēpē Moi Road Pedestrian Safety Improvement Projects - \$765,000.00*) ***(Approved.)***

Council Meeting Follow-up Memorandum to the Mayor

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Bill No. 2716 – A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-6.4(C) AND SECTION 5A-11A.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Licensed Day Care Provider Homestead Tax Classification*) (**Approved.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)  
KCT CCs (*Via E-mail*)  
Council Services Staff (*Via E-mail*)