

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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Scott K. Sato, Deputy County Clerk

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Council Services Division

4396 Rice Street, Suite 209
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On March 16, 2020, Governor David Y. Ige issued a Supplementary Emergency Proclamation related to COVID-19 which suspended Chapter 92 of the Hawai'i Revised Statutes (HRS), relating to Public Agency Meetings and Records (also known as the Sunshine Law). Governor Ige continued the suspension of Chapter 92 with his Sixth Supplementary Emergency Proclamation dated April 25, 2020. On May 5, 2020, Governor Ige issued his Seventh Supplementary Emergency Proclamation amending his earlier suspension of Chapter 92. The suspension of Chapter 92 was subsequently continued in his Eighth (May 18, 2020), Ninth (June 10, 2020), and Tenth (July 17, 2020) Supplementary Emergency Proclamations. Chapter 92 of the HRS was suspended to the extent necessary in order to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. Boards shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing the submission of written testimony on items which have been posted on an agenda, providing board packets available electronically, live streaming of meetings, and posting minutes of meetings online. Furthermore, if a board has the staffing, technological, and other resources to hold a secure video teleconference (video and audio), it must in good faith, attempt to provide the public with the opportunity to observe the meeting as it happens, and provide an opportunity to deliver oral testimony. No board deliberation or action shall be invalid, if such good faith efforts to implement remote technology for public observations and comments do not work.

The meetings of the Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to HRS Chapter 92.
- The meeting will be closed to the public to be consistent with social distancing practices.
- Councilmembers and/or resource individuals may appear via remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion, at www.kauai.gov/webcastmeetings. Captions will be provided. Please note video production services or enhancements will not be available.
- Written testimony may be submitted on any agenda item and is appreciated at least one (1) hour prior to the meeting. Written testimony may be submitted to counciltestimony@kauai.gov, sent via facsimile to 241-6349, or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihue, Hawaii 96766. Any testimony received after this time will be incorporated into the record as appropriate.
- Oral testimony will be taken at the beginning of the meeting on any agenda item via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. Anyone interested in providing oral testimony shall provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188. This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Council's website upon completion and approval.

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, AUGUST 5, 2020

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. July 22, 2020 Council Meeting
2. July 22, 2020 Public Hearing re: Bill No. 2794

E. INTERVIEW:

1. CIVIL SERVICE COMMISSION:
 - [Jennifer K. Carter](#) — Term ending 12/31/2022

F. CONSENT CALENDAR:

1. [C 2020-190](#) Communication (07/02/2020) from the Housing Director, transmitting a Resolution To Apply For, Receive, And Expend An Allocation Of Grant Funds From The United States Department Of Housing And Urban Development, Authorized By The Additional Supplemental Appropriations For Disaster Relief Act Of 2019 (Public Law 116-20). (**See Resolution No. 2020-32**)
2. [C 2020-191](#) Communication (07/13/2020) from Chris Donahoe, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kauaʻi from April 1, 2020 through June 30, 2020.

3. [C 2020-192](#) Communication (07/13/2020) from the Director of Finance, transmitting for Council information, the following reports:
 - a. County of Kaua'i Bond Summary of General Long-Term Debt for Fiscal Year 2020;
 - b. County of Kaua'i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of June 30, 2020; and Excluded County of Kaua'i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of June 30, 2020: CFD No. 2008-1 (Kukui'ula Development Project) Special Tax Bonds Series 2012 and Series 2019.

4. [C 2020-193](#) Communication (07/22/2020) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of June 30, 2020, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020. *(Copies of Period 12 Financial Reports as of June 30, 2020 on file in the Office of the County Clerk.)*

G. COMMUNICATIONS:

1. [C 2020-194](#) Communication (07/17/2020) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, Relating to Comprehensive Zoning Ordinance. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-16); Director's Report; and Testimony received on or since the public hearing on June 9, 2020, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2796))*

2. [C 2020-195](#) Communication (07/20/2020) from the Acting County Engineer, requesting Council approval to accept a donation from Hawai'i Pacific Health of two (2) used 500kW Caterpillar emergency generators, valued at \$70,000.00, which would provide the Department of Public Works, Wastewater Management Division an added level of reliability for operations and serve as spare emergency generators to power three (3) of the four (4) Wastewater Treatment Plants (WWTPs).

3. [C 2020-196](#) Communication (07/22/2020) from the Executive on Aging, requesting Council approval to receive and expend gift certificates from Grove Farm Foundation, valued at \$10,000.00, to help Kaua'i's *kūpuna* in need of assistance.

4. [C 2020-197](#) Communication (07/23/2020) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend the West Kaua‘i Community Plan:
- A Bill For An Ordinance Establishing Regulations, Procedures, Zoning, Development Plans, And Future Growth Areas For The Hanapēpē-‘Ele‘ele Planning District And The Waimea-Kekaha Planning District In Chapter 10, Kaua‘i County Code 1987, As Amended, And Establishing Exceptions, Modifications, And Additions To Chapter 8 And Chapter 9, Kaua‘i County Code 1987, As Amended, And Amending Zoning Maps ZM-K100 (Kekaha), ZM-W100 (Waimea), And ZM-H200 (Hanapēpē) (West Kaua‘i Community Plan) ([ZA-2020-07](#));
 - A Bill For An Ordinance Amending “Kaua‘i Kākou – Kaua‘i County General Plan” (2018) Land Use Maps And Other Provisions Relating To The West Kaua‘i Community Plan ([ZA-2020-08](#));
 - A Bill For An Ordinance Amending Chapter 8, Kaua‘i County Code 1987, As Amended, By Establishing A New Special Treatment Coastal Edge (ST-CE) District And Amending Zoning Maps ZM-K100 (Kekaha), ZM-W100 (Waimea), ZM-200, And ZM-H200 (Hanapēpē) ([ZA-2020-09](#));
 - A Bill For An Ordinance Amending Chapter 8, Kaua‘i County Code 1987, As Amended, By Establishing A New Plantation Camp (PC) District And Amending Zoning Map ZM-200 ([ZA-2020-10](#));
 - A Bill For An Ordinance To Overlay The Special Treatment Public Facilities District (ST-P) On A Portion Of Zoning Map ZM-H200 (Hanapēpē) ([ZA-2020-11](#));
 - A Bill For An Ordinance Amending Zoning Map ZM-200 ([ZA-2020-12](#)) (*Copies of the [West Kaua‘i Community Plan and Appendices](#); Copies of the [Draft Ordinance for Zoning Amendment](#) ([ZA-2020-07](#)); *Director’s Report*; and *Supplement to the Director’s Report #1-7*; Copies of the [Draft Ordinance for Zoning Amendment](#) ([ZA-2020-08](#)); *Director’s Report*; and *Supplement to the Director’s Report #1*; Copies of the [Draft Ordinance for Zoning Amendment](#) ([ZA-2020-09](#)); *Director’s Report*; and *Supplement to the Director’s Report #1-2*; Copies of the [Draft Ordinance for Zoning Amendment](#) ([ZA-2020-10](#)); *Director’s Report*; and *Supplement to the Director’s Report #1-3*; Copies of the [Draft Ordinance for Zoning Amendment](#) ([ZA-2020-11](#)); *Director’s Report*; and *Supplement to the Director’s Report #1*; Copies of the [Draft Ordinance for Zoning Amendment](#) ([ZA-2020-12](#)); *Director’s Report*; and *Supplement to the Director’s Report #1*; *Minutes from the February 11, 2020 and February 25, 2020**

Planning Commission Meeting, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2797), Proposed Draft Bill (No. 2798), Proposed Draft Bill (No. 2799), Proposed Draft Bill (No. 2800), Proposed Draft Bill (No. 2801), Proposed Draft Bill (No. 2802))

5. [C 2020-198](#) Communication (07/23/2020) from the Prosecuting Attorney, requesting Council approval to revise the contract date for the awarded Fiscal Year (FY) 2018 Project Safe Neighborhood grant to the period July 1, 2020 through June 30, 2021.

6. [C 2020-199](#) Communication (07/23/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds for the Fiscal Year (FY) 2020 Coronavirus Emergency Supplemental Funding (CESF) Program in the amount of \$8,305.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General to purchase the Protexus Electrostatic spraying system, face shields, face masks, isolation gowns, gloves, and touchless light switches for the Office of the Prosecuting Attorney from August 1, 2020 to December 30, 2020.

H. COMMITTEE REPORT:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2020-17:** on COW 2020-06 Communication (07/08/2020) from Councilmember Cowden, requesting the presence of the Managing Director, to provide a briefing on the 417 acres of land in Waimea recently purchased by the County, the briefing should include, but not be limited to, what activities are occurring by the lessees utilizing this parcel of land. **[Received for the Record.]**

I. RESOLUTION:

1. [Resolution No. 2020-32](#) – RESOLUTION TO APPLY FOR, RECEIVE, AND EXPEND AN ALLOCATION OF GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AUTHORIZED BY THE ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT OF 2019 (PUBLIC LAW 116-20)

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2796\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE (CZO) (*County of Kauai Planning Department, Applicant*) (ZA-2020-16)
2. [Proposed Draft Bill \(No. 2797\)](#) – A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE HANAPĒPĒ-‘ELE‘ELE PLANNING DISTRICT AND THE WAIMEA-KEKAHA PLANNING DISTRICT IN CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED, AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), AND ZM-H200 (HANAPĒPĒ) (WEST KAUAI COMMUNITY PLAN) (ZA-2020-07)
3. [Proposed Draft Bill \(No. 2798\)](#) – A BILL FOR AN ORDINANCE AMENDING “KAUAI KĀKOU – KAUAI COUNTY GENERAL PLAN” (2018) LAND USE MAPS AND OTHER PROVISIONS RELATING TO THE WEST KAUAI COMMUNITY PLAN (ZA-2020-08)
4. [Proposed Draft Bill \(No. 2799\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW SPECIAL TREATMENT COASTAL EDGE (ST-CE) DISTRICT AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), ZM-200, AND ZM-H200 (HANAPĒPĒ) (ZA-2020-09)
5. [Proposed Draft Bill \(No. 2800\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW PLANTATION CAMP (PC) DISTRICT AND AMENDING ZONING MAP ZM-200 (ZA-2020-10)
6. [Proposed Draft Bill \(No. 2801\)](#) – A BILL FOR AN ORDINANCE TO OVERLAY THE SPECIAL TREATMENT PUBLIC FACILITIES DISTRICT (ST-P) ON A PORTION OF ZONING MAP ZM-H200 (HANAPĒPĒ) (ZA-2020-11)
7. [Proposed Draft Bill \(No. 2802\)](#) – A BILL FOR AN ORDINANCE AMENDING ZONING MAP ZM-200 (ZA-2020-12)

K. 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-1031 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. 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.

L. ADJOURNMENT.

- M. PUBLIC HEARING NOTE: Pursuant to the Supplementary Emergency Proclamation dated March 16, 2020, the Sixth Supplementary Emergency Proclamation dated April 25, 2020, the Seventh Supplementary Emergency Proclamation dated May 5, 2020, the Eighth Supplementary Emergency Proclamation dated May 18, 2020, the Ninth Supplementary Emergency Proclamation dated June 10, 2020, and the Tenth Supplementary Emergency Proclamation dated July 17, 2020, issued by Governor David Y. Ige, all meetings of the Council will be closed to the public consistent with social distancing practices. The public hearing will be read into the record and testimony may be submitted in writing to counciltestimony@kauai.gov; via facsimile to (808) 241-6349; or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i 96766. Oral testimony will be taken via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. Anyone interested in providing oral testimony shall provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188. This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.

The Council will convene into a public hearing on the following item(s) on this meeting date and will convene/reconvene the Council/Committee Meeting thereafter.

*[*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 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. 2775, Draft 2](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW ARTICLE RESTRICTING THE USE AND SALE OF POLYSTYRENE FOAM FOOD SERVICE CONTAINERS

2. [Bill No. 2795](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Mixed Use Tax Exemption*)
- N. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.
- UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.
- *TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.