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 through additional Supplementary Emergency Proclamations, the most recent being his Twelfth Supplementary Emergency Proclamation dated August 20, 2020. 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 Kaua‘i 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, Līhu‘e, Hawai‘i 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.
A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. August 19, 2020 Council Meeting

E. CONSENT CALENDAR:

1. **C 2020-210** Communication (08/14/2020) from the Director of Finance and the Accounting Systems Administrator, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2020. *(Copy on file in the Office of the County Clerk.)*

2. **C 2020-211** Communication (08/24/2020) from the Acting County Engineer, transmitting for Council consideration, a Resolution Repealing A Portion Of Resolution No. 54-91, Relating To Speed Restrictions And Establishing A New Maximum Speed Limit Along Kamole Road, Kawaihau District, County Of Kaua‘i. *(See Resolution No. 2020-35)*

3. **C 2020-212** Communication (08/24/2020) from the Acting County Engineer, transmitting for Council consideration, the following traffic resolutions for improvements to Maluhia Road and Kōloa Road:

   - Resolution Establishing Turn Lanes Along Maluhia Road, Kōloa District, County Of Kaua‘i; and
   - Resolution Establishing Turn Lanes, A Roundabout, And A Crosswalk, And Amending Resolution No. 2008-32, Establishing Speed Limits Along Kōloa Road, Kōloa District, County Of Kaua‘i. *(See Resolution No. 2020-36 and Resolution No. 2020-37)*
4. C 2020-213 Communication (08/25/2020) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing No-Parking Zones Along Portions Of Po'ipū Road, And Repealing Certain Parts Of Resolution No. 2013-62, Relating To Existing Restrictions Along Portions Of Po'ipū Road, Kōloa District, County Of Kaua'i. (See Resolution No. 2020-38)

5. C 2020-214 Communication (08/25/2020) from the Managing Director, transmitting for Council consideration the following measure for inclusion in the 2021 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Animal Control Services, to repeal Section 143-16 of the Hawai'i Revised Statutes (HRS), which mandates that the County contract specifically with the Kaua'i Humane Society for animal control services related to dogs. (See Resolution No. 2020-39)

6. C 2020-215 Communication (08/25/2020) from Councilmember Chock and Councilmember Evslin, transmitting for Council consideration the following measure for inclusion in the 2021 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2021 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Registration of Vehicles, to establish a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned and derelict vehicles. (See Resolution No. 2020-40)

7. C 2020-216 Communication (08/26/2020) from Councilmember Chock and Councilmember Evslin, transmitting for Council consideration the following measure for inclusion in the 2021 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2021 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Registration of Vehicles, to allow the Director of Finance to require payment of outstanding charges owed to the County for the towing, removal, or disposal of an abandoned or derelict vehicle within the County before renewal or issuance of a Motor Vehicle Certification of Registration. (See Resolution No. 2020-41)
8. **C 2020-217** Communication (08/27/2020) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing Turn Lanes, A Crosswalk, And Stop Control For The Intersection Of Ala Kalanikaumaka And Lopaka Paipa Boulevard, Kōloa District, County of Kaua‘i. *(See Resolution No. 2020-42)*

F. COMMUNICATIONS:

1. **C 2020-218** Communication (08/10/2020) from Elliott Ke, Assistant Chief of Police, Kaua‘i Police Department, requesting Council approval to accept and expend funding from the Enhanced 911 (E-911) Board, in the amount of $738,000.00, for annual recurring expenditures to operate 911 services in the Kaua‘i Police Department’s (KPD’s) primary Communications Center and the Alternate Dispatch Center (ADC), and travel expenses for designees to attend monthly board meetings on O‘ahu and board-approved trainings available out-of-state.

2. **C 2020-219** Communication (08/11/2020) from the Housing Director, requesting Council approval to perform the following:

   a. Acquire under the County’s Community Development Block Grant (CDBG) Program a residential unit at 3920 Haoa Street, #224, Līhu‘e, Hawai‘i, 96766, Tax Map Key (TMK): (4) 3-5-001-165-0019, for a purchase price of not more than $191,650.00, based on the fee simple market appraisal, which will be obtained as part of this transaction;

   b. Resale by fee simple of 3920 Haoa Street, #224, Līhu‘e, Hawai‘i, 96766, for not more than $191,650.00, which will be obtained as part of this transaction; and

   c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

3. **C 2020-220** Communication (08/12/2020) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend Federal funds for the Sexual Assault Nurse Examiner (SANE) Exams and Supportive Funding and DNA Analysis programs, in the amount of $98,824.00, which will be used to continue law enforcement efforts to assist in sexual assault investigations and crimes through agency collaboration, and approval to contract with and indemnify the State of Hawai‘i Department of the Attorney General for the term commencing July 1, 2020 to May 31, 2021.
4. **C 2020-221** Communication (08/19/2020) from the Executive on Aging, requesting Council approval to receive and expend a total of $41,454.00 in Federal Funds for Fiscal Year 2020-2021, and to indemnify the State Executive Office on Aging. The funds will be utilized to address the following goals:

- Maintain and/or improve the health and well-being of older adults;
- Build an integrated continuum of support using technological devices including iPad or mobile phones to stay connected and increase social engagement;
- Develop lessons to enhance communication by learning computer basics and connecting with technology; and
- Provide equipment to avoid depression and social isolation.

5. **C 2020-222** Communication (08/20/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of $110,000.00, to supplement the Partnership for Success Grant (PFS) through September 21, 2021 to be used for programs to prevent the onset and reduce the progression of underage drinking and other substance use and its related problems while strengthening prevention capacity and infrastructure at the community and State levels.

6. **C 2020-223** Communication (08/20/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of $23,456.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2020 Local Solicitation Grant, to continue employment of the one (1) Full-Time Equivalent (FTE) Process Server to continue process serving for the Office of the Prosecuting Attorney for three (3) months, purchase office supplies, and allow officers of the Kaua‘i Police Department to attend training sessions. The grant will cover expenses for the time period October 1, 2019 through September 30, 2021.

7. **C 2020-224** Communication (08/26/2020) from the Fire Chief, requesting Council approval to accept a donation from the Kaua‘i Lifeguard Association (KLA) of two (2) Honda All-Terrain Vehicles (ATVs), valued at $16,205.22 ($8,102.61 each), which will be utilized by the Ocean Safety Bureau.
8. **C 2020-225** Communication (08/27/2020) from the Fire Chief, requesting Council approval to accept a donation from the Kaua‘i Lifeguard Association (KLA) of one (1) new 2020 Kawasaki “Mule,” valued at $10,312.56.

9. **C 2020-226** Communication (09/01/2020) from Michael M. Contrades, Office of the Mayor, requesting Council approval, to accept a donation of an Ipe Wooden Bench, valued at $800.00, from the County of Kaua‘i Building Division Staff, Avery Youn (Architect), Nalani Mahelona (NRM Architecture), Debbie Freeman ( Permit Service), Barry Arruda Construction, Lauri Smith-Wishard (Shioi Construction), and Greg Freeman (Builder), in remembrance of Feliciano “Pelane” Fernandez, a County Building Inspector who dedicated more than thirty-five (35) years of public service.

10. **C 2020-227** Communication (09/01/2020) from Council Chair Kaneshiro, transmitting for Council consideration, a Proposed Draft Bill to amend Chapter 8, Kaua‘i County Code 1987, As Amended, Relating To Uses In The Agriculture Zoning District *(See Proposed Draft Bill (No. 2804))*

**G. LEGAL DOCUMENTS:**

1. **C 2020-228** Communication (08/11/2020) from the Acting County Engineer, recommending Council approval of the Property Adjustment Agreement for the Lydgate-Kapa‘a Bike/Pedestrian Path Phase C (STP-0700(064)):
   - Property Adjustment Agreement by and between the County of Kaua‘i and SMK Inc., 4-484 Kūhiō Highway, Kapa‘a, Parcel Tax Map Key (4) 4-3-002:018.

2. **C 2020-229** Communication (08/12/2020) from the Acting County Engineer, recommending Council approval of the following Right-of-Entry Agreement to construct, use, maintain, and repair a bike and pedestrian shared-use path across Airport-owned land for access (sidewalks and pathways) purposes for the Ahukini Landing-Lydgate Park Bike/Pedestrian path segment of Ke Ala Hele Makalae:
   - Right-of-Entry Agreement by and between the County of Kaua‘i and Hawai‘i Department of Transportation (HDOT) Airport Parcels, Tax Map Key Nos. (4) 3-5-001:008 (por.) and (4) 3-5-001:159 (por.)
3. **C 2020-230** Communication (08/27/2020) from the Acting County Engineer, recommending Council approval of the following Property Adjustment Agreements for the Līhu'e Town Core Mobility and Revitalization Project – TGR-0700(073) for the installation and modification of a chainlink fence and rolling gate on the subject property:

- Property Adjustment Agreement by and between the County of Kaua'i and HEY Company LLC., 4181 Rice Street, Tax Map Key No. (4) 3-6-003:046.

4. **C 2020-231** Communication (08/27/2020) from the Acting County Engineer, recommending Council approval of a Dedication Deed, from Kukui'ula Development Company (Hawai'i) LLC to the County of Kaua'i, for a non-taxable road or right-of-way, located at the western end of Lopaka Paipa Boulevard, Kōloa, Hawai'i, Tax Map Key No. (4) 2-6-014:042:

- Dedication Deed

**H. CLAIMS:**

1. **C 2020-232** Communication (08/13/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jamelyn DeCosta-Caalim and Peter Caalim, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. **C 2020-233** Communication (08/14/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William C. Hadley, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

**I. COMMITTEE REPORTS:**

1. **FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:**

   a. **CR-FED 2020-06:** on Bill No. 2795  
   A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (Mixed Use Tax Exemption) [Approved.]
2. COMMITTEE OF THE WHOLE:

a. CR-COW 2020-19: on COW 2020-08 Communication (07/23/2020) from Councilmember Kuali‘i, requesting the presence of the Managing Director and the Director of Economic Development, to provide an update on the use of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding received by the County of Kaua‘i and the various community grants awarded to-date.
[Received for the Record.]


J. RESOLUTIONS:

1. Resolution No. 2020-35 – RESOLUTION REPEALING A PORTION OF RESOLUTION NO. 54-91, RELATING TO SPEED RESTRICTIONS AND ESTABLISHING A NEW MAXIMUM SPEED LIMIT ALONG KAMOLE ROAD, KAWAIHUA DISTRICT, COUNTY OF KAUA‘I

2. Resolution No. 2020-36 – RESOLUTION ESTABLISHING TURN LANES ALONG MALUHIA ROAD, KÔLOA DISTRICT, COUNTY OF KAUA‘I


4. Resolution No. 2020-38 – RESOLUTION ESTABLISHING NO-PARKING ZONES ALONG PORTIONS OF PO‘IPŪ ROAD, AND REPEALING CERTAIN PARTS OF RESOLUTION NO. 2013-62, RELATING TO EXISTING RESTRICTIONS ALONG PORTIONS OF PO‘IPŪ ROAD, KÔLOA DISTRICT, COUNTY OF KAUA‘I
5. **Resolution No. 2020-39** – RESOLUTION APPROVING A STATE BILL RELATING TO ANIMAL CONTROL SERVICES FOR INCLUSION IN THE 2021 COUNTY OF KAUA‘I LEGISLATIVE PACKAGE


7. **Resolution No. 2020-41** – RESOLUTION APPROVING A STATE BILL RELATING TO REGISTRATION OF VEHICLES FOR INCLUSION IN THE 2021 COUNTY OF KAUA‘I LEGISLATIVE PACKAGE AND THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE *(Abandoned And/Or Derelict Vehicle Towing)*

8. **Resolution No. 2020-42** – RESOLUTION ESTABLISHING TURN LANES, A CROSSWALK, AND STOP CONTROL FOR THE INTERSECTION OF ALA KALANIKAUMAKA AND LOPAKA PAIPA BOULEVARD, KÔLOA DISTRICT, COUNTY OF KAUA‘I

**K. BILL FOR FIRST READING:**

1. **Proposed Draft Bill (No. 2804)** – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT

**L. BILLS FOR SECOND READING:**

1. **Bill No. 2775, Draft 3** – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, KAUA‘I COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW ARTICLE RESTRICTING THE USE AND SALE OF POLYSTYRENE FOAM FOOD SERVICE CONTAINERS *(See also CR-COW 2020-20; the Committee of the Whole recommended approval of No. 2775, Draft 3 on August 19, 2020.)*

2. **Bill No. 2795** – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX *(See also CR-FED 2020-06; the Finance & Economic Development Committee recommended approval on second and final reading.)*
M. 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.)

N. ADJOURNMENT.

O. PUBLIC HEARING NOTE: Pursuant to Governor David Y. Ige's COVID-19 Supplementary Emergency Proclamations, the most recent being his Twelfth Supplementary Emergency Proclamation dated August 20, 2020, 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 kokcouncil@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. 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 Kaua‘i Planning Department, Applicant) (ZA-2020-16)

3. **Bill No. 2798** – 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)

4. **Bill No. 2799** – 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 (HANAPÊPÊ) (ZA-2020-09)

5. **Bill No. 2800** – 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)

6. **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 (HANAPÊPÊ) (ZA-2020-11)

7. **Bill No. 2802** – A BILL FOR AN ORDINANCE AMENDING ZONING MAP ZM-200 (ZA-2020-12)

P. 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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).*