

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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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 through additional Supplementary Emergency Proclamations, the most recent being his Fifteenth Supplementary Emergency Proclamation dated November 16, 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 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, NOVEMBER 25, 2020
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. November 12, 2020 Council Meeting
2. November 12, 2020 Public Hearing re: Bill No. 2805, Bill No. 2806, Bill No. 2807, Bill No. 2808, Bill No. 2809, Bill No. 2810, Bill No. 2811, and Bill No. 2812

E. CONSENT CALENDAR:

*** THESE MATTERS HAVE REMAINED INACTIVE ON THE COUNCIL'S DEFERRED AGENDA LOG AND HAVE BEEN DEEMED OBSOLETE. THEY WILL BE FORMALLY RECEIVED FOR THE RECORD AND FILED. NO ADDITIONAL ACTION WILL BE TAKEN ON EACH ITEM.**

1. [Proposed Draft Bill \(No. 2246\)](#) (*) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. PM-316-95, RELATING TO ZONING CONDITIONS ON PROPERTY IN KAPA'A HOMESTEADS, KAUA'I (*Referred to the Planning Commission on November 7, 2007*)

2. [Bill No. 1993, Draft 1](#) (*) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, KAUA'I COUNTY CODE 1987, RELATING TO PUBLIC ACCESS-WAYS (*Referred to the Planning Department on October 18, 2001*)

3. [Bill No. 2044](#) (*) – A BILL FOR AN ORDINANCE TO AMEND OPEN DISTRICT DESIGNATIONS ON ZONING MAP ZM-PR700 AT PRINCEVILLE, KAUA'I, HAWAII (*Referred to the Planning Commission on March 13, 2003*)

4. [Resolution No. 2004-01](#) (*) – RESOLUTION PROPOSING A CHARTER AMENDMENT TO ALLOW MEMBERS OF BOARDS AND COMMISSIONS UNDER MAYOR-COUNCIL APPOINTMENT PROCESS TO APPOINT MORE THAN ONE ADDITIONAL MEMBER (*Referred to the Charter Review Commission on March 11, 2004*)

F. COMMUNICATIONS:

1. [C 2020-275](#) Communication (10/30/2020) from the Chief of Police and Mark N. Begley, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval of a Service Agreement contract and the indemnification provisions contained therein, between the National Association of Field Training Officers (NAFTO) and the Kaua'i Police Department (KPD), for the training and certification of Field Training Officers for KPD.

2. [C 2020-276](#) Communication (10/30/2020) from Joey Manahan, Hawai'i State Association of Counties (HSAC) President, transmitting for the Kaua'i County Council's consideration, the following proposals to be included in the 2021 HSAC Legislative Package, which were approved by the HSAC Executive Committee on October 26, 2020:
 - A Bill for An Act Relating to Liquor Fines Collected Per Year (*County of Maui*)
 - A Bill for An Act Relating to Health Care Insurance (*County of Maui*)
 - A Bill for An Act Relating to Rental Motor Vehicles (*County of Maui*)
 - A Bill for An Act Relating to Sunshine Law Boards (*County of Maui*)
 - A Bill for An Act Relating to Registration of Vehicles (Vehicle transfer process) (*County of Kaua'i*)
 - A Bill for An Act Relating to Registration of Vehicles (U-Drive certificate of registration fee) (*County of Kaua'i*)
 - A Bill for An Act Relating to Registration of Vehicles (Vehicle certificate of registration—payment of outstanding charges required) (*County of Kaua'i*)
 - A Bill for An Act Relating to Public Health Emergency Testing (*City & County of Honolulu*) (***See Resolution No. 2020-56***)

3. [C 2020-277](#) Communication (10/30/2020) from the Director of Parks and Recreation, requesting Council approval to receive and expend grant funds, in the amount of \$5,000.00, from Stonyfield Organic, who is working with Beyond Pesticides, to provide direct funding to help with the initial costs of converting fields to organic management.

4. [C 2020-278](#) Communication (11/02/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$8,060.00 for program Fiscal Year 2021, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals program, and to indemnify the State Executive Office on Aging.

5. [C 2020-279](#) Communication (11/05/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds in the amount of \$203,007.00 from the State Executive Office on Aging, to be used for the provision of Title III services of the Older Americans Act, for the 2021 Federal fiscal year that began October 1, 2020 through September 30, 2022, and to indemnify the State Executive Office on Aging.
6. [C 2020-280](#) Communication (11/10/2020) from the Acting County Engineer, requesting Council approval to use \$34,000.00 from the Repair and Maintenance (R&M) account for the unbudgeted purchase of a replacement pump for the Fire Station Sewage Pump Station (SPS), to replace aging equipment which is essential to restore the designed redundancy for the SPS.
7. [C 2020-281](#) Communication (11/12/2020) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Taxes to reduce the assessed value amount from \$2,000,000.00 to \$1,300,000.00 for residential homes that fall in the Residential Investor Class. **(See Proposed Draft Bill (No. 2814))**
8. [C 2020-282](#) Communication (11/12/2020) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Authorizing The Issuance Of General Obligation Refunding Bonds Of The County Of Kaua'i For The Purpose Of Refunding Certain Outstanding General Obligation Bonds And Notes; Fixing Or Authorizing The Fixing Of The Form, Denominations, And Certain Other Details Of Such Refunding Bonds And Providing For The Sale Of Such Bonds To The Public; Providing For The Retirement Of The Bonds To Be Refunded; And Authorizing The Taking Of Other Actions Relating To The Issuance And Sale Of The Refunding Bonds And The Retirement Of The Bonds To Be Refunded. **(See Proposed Draft Bill (No. 2815))**
9. [C 2020-283](#) Communication (11/13/2020) from Council Chair Kaneshiro, requesting agenda time for a briefing from Spire Hawai'i, LLP (external auditors), to provide a presentation on the Kaua'i Fire Department's Performance Audit.
10. [C 2020-284](#) Communication (11/19/2020) from Councilmember Evslin and Councilmember Chock transmitting for Council consideration, a Resolution Urging The State Of Hawai'i To Adopt A Revised Safe Reopening Plan For Kaua'i County Due To The Coronavirus Disease (COVID-19) Pandemic. **(See Resolution No. 2020-57)**

G. COMMITTEE REPORTS:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2020-04:** on PWVS 2020-04 Communication (09/15/2020) from Councilmember Cowden, requesting the presence of the Acting County Engineer and the Acting Solid Waste Chief, to provide a briefing on Act 073 (Session Laws of Hawai'i 2020) and the implications that this legislation may have on any future planning efforts by the County of Kaua'i Department of Public Works, Solid Waste Division. **[Received for the Record.]**

2. PLANNING COMMITTEE:

- a. **CR-PL 2020-09:** on 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) **[Approved with amendments made to the West Kaua'i Community Plan booklet entitled "Planning Commission Draft" dated May 26, 2020 including all Appendices, as referenced in Bill No. 2797.]**

- b. **CR-PL 2020-10:** on 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) **[Approved.]**
- c. **CR-PL 2020-11:** on 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 (HANAPĒPĒ) (ZA-2020-09) **[Approved.]**
- d. **CR-PL 2020-12:** on Bill No. 2800, Draft 1 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) **[Approved.]**
- e. **CR-PL 2020-13:** on 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) **[Approved.]**
- f. **CR-PL 2020-14:** on Bill No. 2802 A BILL FOR AN ORDINANCE AMENDING ZONING MAP ZM-200 (ZA-2020-12) **[Approved.]**

3. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

- a. **CR-PSHS 2020-04:** on PSHS 2020-03 Communication (10/22/2020) from Committee Chair Cowden, requesting the presence of the Chief of Police and the Managing Director, to provide a briefing on the County of Kaua'i's data resulting from the State's reopening of transpacific travel on October 15, 2020, including the rough percentage of incoming travelers and residents who have not been tested for COVID-19, anticipated challenges with quarantine enforcement, funding and personnel strategies, and identifying agencies and departments that will be conducting quarantine enforcement. **[Received for the Record.]**

4. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2020-22:** on COW 2020-10 Communication (10/29/2020) from Council Vice Chair Kagawa, requesting the presence of the Managing Director, to provide a briefing on the Administration's current and future plans to redeploy County employees unable to perform their regular duties due to COVID-19 disruptions to services, and the sustainability of these operational changes. **[Received for the Record.]**

H. RESOLUTION:

1. [Resolution No. 2020-56](#) – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE
2. [Resolution No. 2020-57](#) – RESOLUTION URGING THE STATE OF HAWAII TO ADOPT A REVISED SAFE REOPENING PLAN FOR KAUAI COUNTY DUE TO THE CORONAVIRUS DISEASE

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2814\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Residential Investor Assessed Value Reduction*)

2. [Proposed Draft Bill \(No. 2815\)](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS AND NOTES; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED

J. BILLS FOR SECOND READING:

1. [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) *(The Planning Committee Approved with amendments made to the West Kauai Community Plan booklet entitled “Planning Commission Draft” dated May 26, 2020 including all Appendices, as referenced in Bill No. 2797.)*

2. [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) *(See also CR-PL 2020-10; the Planning Committee recommended approval on second and final reading.)*

3. [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) *(See also CR-PL 2020-11; the Planning Committee recommended approval on second and final reading.)*

4. [Bill No. 2800, Draft 1](#) – 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) *(See also CR-PL 2020-12; the Planning Committee recommended approval on second and final reading.)*

5. [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) (See also CR-PL 2020-13; the Planning Committee recommended approval on second and final reading.)

6. [Bill No. 2802](#) – A BILL FOR AN ORDINANCE AMENDING ZONING MAP ZM-200 (ZA-2020-12) (See also CR-PL 2020-14; the Planning Committee recommended approval on second and final reading.)

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.)

L. ADJOURNMENT.

M. 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.