COUNCIL MEETING
SEPTEMBER 9, 2020

The Council Meeting of the Council of the County of Kaua‘i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu‘e, Kaua‘i, on Wednesday, September 9, 2020 at 9:01 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin (via remote technology)
Honorable Ross Kagawa
Honorable KipuKai Kualii‘i
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun*

Council Chair Kaneshiro: Please note that we will run today’s meetings pursuant to the Governor’s Supplementary Emergency Proclamations with the most recent Sunshine Law being his Twelfth Supplementary Emergency Proclamation dated August 20, 2020.

APPROVAL OF AGENDA.

Councilmember Kualii‘i moved for approval of the agenda, as circulated, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there any discussion on the agenda?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

MINUTES of the following meeting of the Council:

August 19, 2020 Council Meeting
Councilmember Kuali‘i moved to approve the Minutes as circulated, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there any discussion on the Minutes from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next, we will go through the Consent Calendar, followed by page 8, Bill No. 2775, Draft 3, to allow public testimony.

CONSENT CALENDAR:

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.

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.

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.

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.

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:
COUNCIL MEETING 3 SEPTEMBER 9, 2020

- 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.

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.

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.

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.


Council Chair Kaneshiro: Is there any discussion from the members on the Consent Calendar?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to receive C 2020-210, C 2020-211, C 2020-212, C 2020-213, C 2020-214, C 2020-215, C 2020-216, and C 2020-217 for the record was then put, and carried by a vote of 6:0:1.

Council Chair Kaneshiro: The motion is carried. Next item. Clerk, let us go to page 8, Bill No. 2775, Draft 3.
There being no objections, Bill No. 2775, Draft 3, was taken out of order.

BILL FOR SECOND READING:

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

Councilmember Kuali‘i moved to approve Bill No. 2775, Draft 3, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We will begin the public testimony with Victoria Anderson. Ms. Anderson, your microphone is on mute. Do you remember the rules? You will have a total of six (6) minutes. The light will turn green, it will turn yellow when you have thirty (30) seconds remaining, and red when your time is completed. State your name for the record and then you may begin.

There being no objections, the rules were suspended to take public testimony.

VICTORIA ANDERSON (via remote technology): Aloha, Council Chair Kaneshiro and Councilmembers. I am Victoria Anderson, President of the Beach Environmental Awareness Campaign Hawai‘i, or the acronym “B.E.A.C.H.” for short. We are an all volunteer, nonprofit that brings awareness and solutions to plastic marine debris. We have members on all Hawaiian Islands.

I am testifying on behalf of B.E.A.C.H. in very strong support of Bill No. 2775, Draft 3 which bans the use and sale of polystyrene foam food and drink containers in the County of Kaua‘i. Thank you for making amendments and improving this important Bill. Polystyrene foam is one of the most harmful types of plastic. As I have mentioned in previous testimony, it easily breaks into small pieces, it is easily wind-blown, and it is made with toxic chemicals benzene and styrene. These chemicals can cause cancer and leach from polystyrene containers when they come into contact with hot, oily, or acidic foods or drinks. I looked into this further and while various forms of cancer are the most fatal health effects, there are many other types of health problems. Polystyrene and other plastics mimic or interfere with naturally acarine estrogens in our body producing a host of health related problems such as early puberty in females, reduced sperm counts and feminization in males, altered functions of reproductive organs, obesity, and breast, ovarian, postocular, and prostate cancers. When polystyrene foam gets into the ocean, it rapidly breaks into tiny pieces, which makes it impossible to clean up. This means that these small pieces get eaten by plankton and small fish, which passes the toxic chemicals throughout the food chain.

There are many good alternatives to polystyrene food containers made from sugarcane, cardboard, and metal. B.E.A.C.H. also encourages people to bring their own food and drink containers made of glass, stainless steel, or ceramic. The monetary cost of switching to a compostable container is minimal. On Maui,
restaurants pass on the small cost to customers by charging an additional twenty-five cents ($0.25). These restaurants found that they made money from this change and the customers were happy to get a safe food container instead of one containing toxic chemicals. When every County has the same laws, the cost of alternative containers would go down. In short, polystyrene containers are harmful to us and the environment. Plastic foam lasts forever. It is made from non-renewable fossil fuel resources and it contains dangerous toxic chemicals. By contrast, compostable containers are made of renewable plant sources and can be fully composted back into healthy soil.

In conclusion, all other counties in Hawai‘i have passed laws banning polystyrene foam. Thank you very much for this opportunity to provide spoken testimony in very strong support of this Bill. Thank you for your prudence and judgment in looking forward to protect the health of Kaua‘i’s residents, marine life, and environment. Please pass this Bill. I hope you will continue to take strong action on other disposable types of plastic in the near future. Mahalo for your kokua on behalf of Kaua‘i’s residents, marine life, and environment.

Council Chair Kaneshiro: Thank you, Ms. Anderson. Next up, we have Dean Otsuki, followed by Suzanne Fraser. Mr. Otsuki, your microphone is on mute? It may be on mute.

DEAN OTSUKI (via remote technology): My name is Dean Otsuki. I am the co-founder of B.E.A.C.H. and I will be testifying on behalf of myself. Aloha, Council Chair Kaneshiro and Councilmembers. I am in very strong support of Bill No. 2775, Draft 3, which will ban the use and sale of polystyrene foam food and drink containers for the County of Kaua‘i. Manufacturing polystyrene foam is harmful to both the people and the environment. Polystyrene foam containers contain the chemical styrene which leach into hot foods, drinks, and acidic foods which causes styrene to migrate out from the foam and into the food and drink. Styrene is related to cancer, vision loss, hearing impaired, memory, concentration, and nervous system effects. Polystyrene is made from petroleum and contains benzene which is carcinogenic. Styrene is another chemical in polystyrene form which the Natural Toxicology Program lists as “reasonably anticipated to be human carcinogen.” Workers in the polystyrene plastic industry are known to have higher incidents of cancer and separate adverse effects from inhaling styrene. There are better and healthier alternatives by compostable containers for polystyrene food containers on today’s market that do not have the toxic chemical ingredient styrene. Compostable containers are one hundred percent (100%) plant based. Being that compostables are nontoxic, if they get into the marine environment, it will not harm the marine life. Another alternative to polystyrene foam containers is to bring your own reusable container. Polystyrene foam containers are very light and can be easily blown into the ocean and be ingested by marine life. Plastic in the ocean accumulates persistent organic pollutants (POPs), such as DDT, DDE, PCBs, and dioxins on the surface of the plastic up to one million (1,000,000) times more than the surrounding seawater making the plastic very toxic. When marine life ingests marine debris, those POPs migrate to the fatty tissues of the animal. These POPs bioaccumulate up the food chain where the top of the food chain, including humans, get the most chemicals. POPs are endocrine disruptors that can interfere with the endocrine
system. Endocrine disruptors can cause cancerous tumors, birth defects, and other developmental disorders. Please pass Bill No. 2775, Draft 3. In doing so, it will help to keep our ocean environment clean and protect the residents and visitors from the toxic chemicals that come from polystyrene foam. Please accept this as testimony in strong support of this Bill. Aloha.

Council Chair Kaneshiro: Thank you, Mr. Otsuki. Next, we have Suzanne Fraser.

SUZANNE FRAZER (via remote technology): Aloha, Council Chair Kaneshiro and Councilmembers. My name is Suzanne Fraser. I am the co-founder of B.E.A.C.H, I am testifying in very strong support as an individual on Bill No. 2775, Draft 3, which would ban the use and sale of polystyrene foam food and drink containers on County of Kaua‘i. Thank you so much for making the amendments to the Bill. This is a strong Bill and I hope that you pass it today. I am hoping that this is the last time that I will need to testify for a polystyrene foam ban. I have been doing this for fourteen (14) years. We went to the Hawai‘i State Capitol in hopes of banning polystyrene statewide fourteen (14) years ago. We have testified for every Bill at every County relating to polystyrene foam. This will be a historic vote today. If you vote in favor of this Bill, you are going to do something that we have not been able to achieve in the last fourteen (14) years, which is to ban polystyrene foam on every island. This will make the entire State Styrofoam-free; you will accomplish something wonderful, and this will have a lot of benefits. As Ms. Anderson mentioned, there is the economic benefit. When polystyrene foam is banned everywhere in Hawai‘i, cost of the compostable will decrease for everyone, on every island, and will benefit all businesses.

Additionally, you also have health reasons. We have talked a lot about how polystyrene foam is toxic and harmful to marine life. It has the chemicals styrene and benzene. If you vote today to pass this Bill, you will be saving lives.

I would like to go over and share a point in my testimony as to why this is so important. All plastic contains endocrine disrupting chemicals mimic the naturally occurring hormone estrogen. These fake hormones interfere with what natural hormones are being made for functioning. They also combine two (2) receptors within themselves blocking the natural hormones from binding. This stops normal signals from occurring; therefore, the body fails to respond. Hormones have very powerful effects at very low doses of parts per billion and parts per trillion. Fetuses, babies, and young children are especially sensitive to low doses of plastic chemicals. Mothers pass on fifty percent (50%) of their own body burden on chemicals to their first born child. This makes that child most susceptible to being impacted by diseases later in life by passing on deoxyribonucleic acid (DNA) damage to their children, grandchildren, and great-grandchildren. This means that the harm caused by plastic is intergenerational.

You are able to see why I am saying this is a historic vote. This is not only to bring the entire State in compliance with the polystyrene foam ban; you are going to be affecting change for many generations to come and you are going to be saving a lot of lives. I urge you and I hope that you would take the chance you have today to pass
Bill, to help and protect the health of the people of Kaua'i, the visitors, marine life, the foodchain, and the environment from the harmful effects of polystyrene foam. Please join the other counties in taking this strong action to ban the product that is causing or body and environment harm.

I am hoping this Bill passes today, I would like to also urge you to please take the next action to ban the other types of disposable plastic containers. There is no plastic that is safe. They all contain endocrine disrupting chemicals. It is imperative to take the next step and not to switch from one plastic to another. Thank you very much for this opportunity to provide testimony today in very strong support of Bill No. 2775, Draft 3.

Council Chair Kaneshiro: Thank you, Ms. Fraser. We have one (1) more testimony which is through a voicemail. This testimony is from Eric Kaya.

ERIC KAYA (via voicemail message): My name is Eric Kaya. I am opposed to Bill No. 2775, Draft 2, due to the language requiring only compostable materials in restaurants. As I support the styrofoam ban, I strongly encourage you to change it to reusable instead of compostable. My biggest gripe, which is why I am providing testimony, is if we use compostable only, what benefit does it have to Kaua'i and the landfill? Compostable is being sent to the landfill and burnt alongside the other trash. We do not have a composting facility, so it does not make sense to only use compostable products. I would rather use reusable products instead of compostable. All the compostable items that are being used is for nothing because there is no composting facility on the island. Until there is one, I would strongly urge you to change the language on the Bill. Thank you.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: That concludes the testimony for Bill No. 2775, Draft 3. We will go back to Communications on page 3.

COMMUNICATIONS:

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.

Councilmember Kuali'i moved to approve C 2020-218, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion on this item from the Members? Councilmember Cowden.
Councilmember Cowden: I would like to express appreciation to our Kaua'i Police Department for finding these funds. I would like to acknowledge the important work that dispatchers do regarding 911 services. It is great that we are moving in this direction and bringing in money from outside sources.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: If possible, I would like to encourage us to participate in virtual meetings rather than traveling interisland or out-of-state. I would like to recommend this for all County departments until the COVID-19 pandemic is under control.

Council Chair Kaneshiro: Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-218 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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, Lihu'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, Lihu'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.

Councilmember Kuali'i moved to approve C 2020-219, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there any discussion from the Members on this item? No, okay.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-219 was then put, and carried by a vote of 6:0:1*. 
Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kagawa moved to approve C 2020-220, seconded by Councilmember Kuali‘i.

Council Chair Kaneshiro: Is there any discussion from the Members on this item?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-220 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kuali‘i moved to approve C 2020-221, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion on this item? Councilmember Cowden.

Councilmember Cowden: I would like to show appreciation in receiving Federal funding. I would like to also apply that to the next items. I would like to
really acknowledge the Agency on Elderly Affairs for all their hard work. I attend these meetings and there is a lot of creative work done to help seniors feel less lonely and bored. This is an important barrier to breakdown for some not being computer literate which is not a strength for everyone. In getting iPads and helping them to understand technology...I would like to thank Kealoha Takahashi and the team for doing a good job.

Council Chair Kaneshiro: Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-221 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kuali'i moved to approve C 2020-222, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the Members on this item?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-222 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kualiʻi moved to approve C 2020-223, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there any discussion from the Members on this item?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-223 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kualiʻi moved to approve C 2020-224 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the Members on this item? Councilmember Cowden.

Councilmember Cowden: I would like to express gratitude towards KLA for the gifts they have brought forward over the past years to help keep our beaches safe. I would also like to recognize that the visitor industry has also been a heavy donor. I would like to recognize the convergence of efforts that benefit all of us. Mahalo KLA.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I would like to echo what Councilmember Cowden said in thanking KLA, Dr. Monty Downs, and everyone else involved. I know that it is routine for us to accept these donations for sixteen thousand dollars ($16,000) and another one for ten thousand dollars ($10,000). Those are big fundraising hauls that represent months of hard work from this organization. I really appreciate...these funds will be put towards saving lives.

Council Chair Kaneshiro: Is there anyone else?
(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-224 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kuali'i moved to approve C 2020-225 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-225 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kuali'i moved to approve C 2020-226 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the Members?

Councilmember Kagawa: Yes, I would like to thank the family of Pelane, the Building Division, and everyone that contributed in recognizing the work of my friend, Pelane Fernandez. He was a very important person in the Building Division and helped a lot of local contractors and local families. One of the important reasons of having a local person who is rooted in the community is that their efficiency saves money for the homeowner and the contractor is able to resolve problems and
meet deadlines. I experienced inspections with Pelane. He was very reliable and worked hard. I would like to the Building Division for recognizing him. We need more “Pelane’s” out there who are going to help the local community while doing their job efficiently. I would like to thank Pelane for all of his hard work and may he rest in peace.

Council Chair Kaneshiro: Is there anyone else? I would like to say thank you to all the donors. I have known Uncle Pelane my entire life. I had the opportunity to do a summer internship with the County where I was able to go on inspections with him. He was a great asset. In everyday conversation, I like to share with people that he held the record for years of service at the County. He dedicated more than thirty-five (35) years to public service. Although the County loss an asset, I am happy that these individuals recognized him by donating and contributing a memorial in his name. It speaks wonders in a day and age where everyone wants to become famous with one (1) picture. You have individuals that worked a lifetime to get where they are at and being able to recognize individuals is a great thing. I would like to thank everyone for this donation. Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-226 with a thank you-letter to follow was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

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.

Councilmember Kuali‘i moved to receive C 2020-227 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: This item will come up later in the agenda as Proposed Draft Bill (No. 2804). Is there any discussion from the members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2020-227 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item. Clerk, we are going to skip around a little. The next item is Legal Documents, but it was...
requested to take the Resolutions first. We will go to page 7. We are going to do all
the road Resolutions. We will start with Resolution No. 2020-35, skip
Resolution No. 2020-40 and Resolution No. 2020-41, Resolution No. 2020-42, and go
back to the Legal Documents.

There being no objections, Resolution No. 2020-35, was taken out of order.

RESOLUTIONS:

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,
KAWAIHAU DISTRICT, COUNTY OF KAUAI

Councilmember Kuali‘i moved for adoption of Resolution No. 2020-35,
seconded by Councilmember Cowden.

Council Chair Kaneshiro: We received a piece of written testimony on
this agenda item. Is there any discussion from the members on this item?

Council Chair Kaneshiro: Councilmember Chock, would you like to
share information regarding this Resolution?

Councilmember Chock: Thank you, Council Chair Kaneshiro. I
received this request from Syrus Melandish. Kamole Road is the on the bluff above
Keālia Beach. Jenelle and I have been working on this for the past year or more. He
had safety concerns regarding speeding as this road comes right off the highway and
into the residential subdivision. There have been many near misses and the road is
very small. The engineers did a survey and found that there was cause for decreasing
the speed limit due to the narrowness of the road. Before us here, is a reduction of
the speed limit. I would like to reference written testimony from a neighborhood
member, Sharla Kalauawa, regarding the near misses and her concern for safety.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I certainly support this. I am curious to know
who is speeding and if it is residents or people who are pulling in?

Councilmember Chock: I have heard stories from Mr. Melandish that
it is a combination of residents and people that they do not know. People that are
taking the right turn into the neighborhood...they could be taking a wrong turn?

Councilmember Cowden: Are you able to get down to the beach from
that road? Are people pulling into the neighborhood to go to the beach?
Councilmember Chock: I do not think that you are able to do that. It is a dead end. In my observation, when I went to look at the road and neighborhood area, it looks like there is a trail at the end of the road.

Councilmember Cowden: I am sharing that as a segway with looking at things in the near future. Along the beaches on the east side, whether it is in Anahola, Kealia Kai, or right here, it seems there is a lot of speeding going in and onto the beach. It has turned into dirt bike track, and what appears to be a lack of respect for the people and anyone who is on the beach. I am wondering if this problem is continuing into this area. I am supportive of lowering the speed limit for this neighborhood.

Councilmember Chock: I would like to clarify that I do not believe the path going down is a road for vehicles, but it looks like a trail for bicycles or walking, but I did not go down there.

Councilmember Cowden: I will take a look.

Council Chair Kaneshiro: Is there anyone else? Is there any discussion from Members?

(No registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2020-35 was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro TOTAL – 6,
AGAINST ADOPTION: None TOTAL – 0,
EXCUSED & NOT VOTING: Brun TOTAL – 1*,
RECUSED & NOT VOTING: None TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Six (6) ayes.

Resolution No. 2020-36 – RESOLUTION ESTABLISHING TURN LANES ALONG MALUHIA ROAD, KOLOA DISTRICT, COUNTY OF KAUAI

Councilmember Kuali‘i moved for adoption of Resolution No. 2020-36, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Scott, does Public Works have a presentation? We are only able to take one (1) item at a time, but this presentation will cover Resolution No. 2020-36 and Resolution No. 2020-37.

There being objections, the rules were suspended.
COUNCIL MEETING 16 SEPTEMBER 9, 2020

MICHAEL MOULE, Chief of Engineering: Aloha, Council Chair Kaneshiro and Councilmembers. This is Michael Moule.

Council Chair Kaneshiro: Councilmembers, as he goes through the presentation, please separate your questions based on the Resolution. Michael will go through his presentation, Members will ask questions, and then we will vote on the individual Resolution. We will start with Resolution No. 2020-36, followed by Resolution No. 2020-37.

Mr. Moule: Thank you, Council Chair Kaneshiro and Councilmembers. My name is Michael Moule, Chief of Engineering, Public Works. I have it notated to pause after the first Resolution, but I am able to convene if you would like me to. I would like to talk about the project and give you a little background information and before I get into the Resolution.

Regarding Maluhia Road in Resolution No. 2020-36 and Koloa Road in Resolution No. 2020-37—they both are a part of the ongoing construction project for improvements being made to those roads.

Slide 2, Project Purpose and Need. The purpose and need of the project are primarily to take care of the problem we have with a lot of roads on the island which are: 1) To rehabilitate and resurface of pavement on Maluhia Road and Koloa Road; 2) To provide upgrades and safety improvements to comply with Federal and State design standards; and 3) To improve traffic flow and safety by adding turn lanes and a roundabout on Koloa Road. This is a Federal funded project which allows us to do more.

Slide 3, Project Scope. The project scope of this project is to primarily resurface and rehabilitate roadway pavement. If the pavement and resurfacing is bad, we will mill out and replace the existing asphalt either three (3) inches or six (6) inches thick depending on how deteriorated it is. There are some areas that have been previously repaired a few years ago, we are not doing any rehabilitation on those roads. When we are completed with the rehabilitation and shouldering, we will overlay the entire roadway. It will be a nice and clean surface. A portion of Maluhia Road has already been started. The project scope includes paved shoulders of four (4) feet to six (6) feet on both sides where feasible. This will add safety and preservation which will be improving the road resurfaces and help to maintain future travel rules by not having one elongated travel lane; it will also add usability of all roads and the shoulder lane.

(Councilmember Kagawa was noted as not present.)

The roads on this side of the island have not been upgraded for over fifteen (15) years. I know that Maluhia Road had upgrade plans in 1966. The road has been
"as-is" as of today with a couple of exceptions that include turn lane changes that help communicate the traffic flow.

I do not have any plans that show when Kōloa Road has last been improved, but it has been a significant amount of time, with the exception of minor safety improvements a few years ago. It is time to make safety and shoulder improvements. There are at least ten thousand (10,000) cars traveling on both sides of the road every day prior to COVID-19 impacting travel.

Additional features for safety, improving flow, and preservation include the following: 1) the roundabout on Kōloa Road at Ala Kalanikaumaka; 2) left-turn lane on Kōloa Road to Piko Road; 3) left-turn lane on Kōloa Road at businesses near Lau‘oho Road; 4) left-turn merge lanes on Maluhia Road from Ala Kinoiki and on Po‘ipū Road from ‘Ōma‘o Road and from Kōloa Road, 5) Drainage modifications, utility adjustments, roundabout lighting, guardrail, and other safety improvements. One of the things we are doing is that all sides of the road is integrated to drain water away from the resurface. For safety reasons, this will help to keep water off the road and it will help us maintain better pavement quality. We will not have water seeping under the pavement.

Slide 4, Project Public Involvement. Back in April 2018, we had our first public meeting where we presented a conceptual design. The public generally supported the project, including the roundabout. There was a question related to today's Resolutions about whether a signal would be more cost effective than a roundabout? Our response to that is if you look at the construction costs and longterm maintenance costs, roundabouts are safer. A roundabout in a business location would be a safer solution than signal, especially with the curvature on Kōloa Road and as you are looking back, where you are not able to see when the light is red or green and where it comes close to the intersection.

In June 2019, we had almost all our construction plans completed. There were new changes to be made so we presented draft construction plans at that time. There was a lot of project support from the public. There was a significant discussion about traffic control during construction. There was one significant occurrence regarding ‘Ōma‘o Road and providing a better way to make a left-turn from ‘Ōma‘o Road to Kōloa Road. After that meeting was finished, we managed to squeeze in a short but useful merge lane making a left-turn from ‘Ōma‘o Road to Kōloa Road.

In May 2020, there was no formal public meeting, but there was a number of constituents that contacted us about the project and when we were going to begin working. We scheduled a Zoom Meeting with Southside constituents and provided schedule updates. There were a lot of project support, but they were still concerned about traffic control and detours.
We are continuing to work on and modifying our traffic control estimate in the project.

Slide 5, Project Cost. The design costs approximately one million dollars ($1,000,000), the construction costs over nineteen million dollars ($19,000,000), construction engineering costs one million four hundred thousand dollars ($1,400,000), which brings the total cost to approximately twenty-two million dollars ($22,000,000). This is possibly the largest County road project from a dollar's point of view that I am aware of. However, this project amount covers two (2) roads so it is a significant length of road that is being worked on.

(Councilmember Kagawa was noted as present.)

Funding Sources. The federal aid funds for this project amounts to sixteen million four hundred thousand dollars ($16,400,000). More than seventy percent (70%) in cost is coming from the federal government. County funds from the Capital Improvement Projects (CIP) and General Excise Tax (GET) of five million four hundred twenty thousand dollars ($5,420,000). The Council approved these funds a few years ago. Utility companies will pay at least one-half of the utility modifications, approximately one hundred eighty thousand dollars ($180,000) will be deployed by these companies.

Slide 6, Project Schedule. The construction for this project started in June. The portion for Maluhia Road is anticipated to be substantially complete by the end of September. It has been moving slower than anticipated due to very soft slope conditions that were encountered in the shoulder widening areas. For example, the s-curves below the Kōloa Tunnel of Trees on Maluhia Road and near the s-curves area headed to Kōloa Town. The Kōloa Road roundabout construction is scheduled to start this week. They are doing work outside of the existing travel lanes. They have previously done a little detour to create a dip and get the water away from the work. They will not be doing any road closures on Kōloa Road until the Maluhia Road work is completed. The Kōloa Road pavement reconstruction is anticipated to start in the later part of September or the early part of October. It will be completed by the ending of November, possibly earlier or later. This is determined by effectively bracing all the potholes. As of right now, there is one (1) pothole left to be patched on Maluhia Road, which is most likely to be completed this week or next week. That is all of the construction that will be done on Maluhia Road. The substantial completion for Kōloa Road is anticipated by the end of December. All of the work is currently on schedule compared to the schedule that we shared back in June of 2019.

We are here today regarding the traffic Resolutions. Before Council is Resolution No. 2020-36 regarding Maluhia Road and Resolution No. 2020-37 regarding Kōloa Road.
Slide 7, Traffic Resolutions. Council, we are here today to talk about Resolution No. 2020-36, the extension of Maluhia Road; and Resolution No. 2020-37, the extension of Kōloa Road. The purpose of the Resolutions is to legally establish the new traffic control regulations that are included in the project which consist of turn lanes, a roundabout, one (1) crosswalk, and a speed limit change on Kōloa Road. In this case, we did our research on both Resolutions. We contacted the staff at Council Services to check with records and found that there were no Resolutions for the turn lanes that currently exist on both Maluhia Road and Kōloa Road. In today’s presentation, we will go over the areas that are establishing turn lanes; which does not include any in the current and existing Resolutions. I will point out the differences as we go through the slide.

Slide 8. Resolution No. 2020-36, Maluhia Road. The existing items that are highlighted in blue are turn lanes that exist on Maluhia Road. It exists prior to the project and will continue to exist after the project. It is a right turn lane in the northbound direction approaching Ala Kinoiki and a right turn lane southbound approaching Kōloa Road.

Slide 9. The items that are highlighted in blue are existing left turn only lanes from the southbound direction of Maluhia Road to Kōloa Road. This already existed but we are including it in the Resolutions. Highlighted in yellow, is a new item on Maluhia Road. We are adding in pavement and restriping this to provide a left turn merge lane from Ala Kinoiki to Maluhia Road. Drivers who want to make that left turn from Ala Kinoiki to Maluhia Road is able to make that turn in two (2) stages. Effectively yielding to northbound traffic, into that merge lane, and then into southbound traffic, and merging to the southbound lane into Kōloa Town. That is not a turn made frequently because there is another road network, but that would increase turn movement. There is no reason not to provide that additional safety benefit and ease of turn benefit that adding a turn lane would provide as part of this project.

Slide 10. Highlighted in blue is Maluhia Road and Kōloa Road. That is existing add-ins of a right and left turn lane.

Slide 11. Highlighted in blue is an existing right turn lane northbound and a left turn lane southbound at Ala Kinoiki. Highlighted in yellow is a new right turn lane. I would like to point out that there are turn lanes on Kaumualii Highway, which is on Maluhia Road. The back portion of Maluhia Road is the Hawai‘i Department of Transportation (HDOT) segway, therefore, we do not have a Resolution for that being that it is outside of our jurisdiction. I would like to take a break here and allow for discussion and to answer any questions.

Councilmember Kagawa: During the construction phase for Maluhia Road, are we addressing root barriers and removing invasive trees?

Mr. Moule: That is a good question. There is no plan for root barrier per se, but in the tree tunnel we are doing shoulder widening throughout portions of the road. In the tree tunnel, there will be a concrete curb and gutter provided to carry the water down Maluhia Road. We have videos and complaints of the water flowing over both sides of the road to the (Inaudible) during heavy rainstorms. One of the goals in the project is to improve drainage. We are also dealing with existing conditions. We are not able to do everything all at once, but we are working with what have to put in the drainage. The concrete gutters should help because it is harder and more resilient to roots than asphalt. It should help with roots encroaching into the asphalt.

Councilmember Kagawa: During the construction phase, will you be removing Albizia trees that are abutting the road?

Mr. Moule: Regarding the Albizia trees, there are not any that are directly abutting the road. We removed the large mango trees on Maluhia Road. The Albizia trees that were in the fields on both sides of the road have been previously removed by the Green Energy Team for the powerplant.

Councilmember Kagawa: Okay.

Mr. Moule: The powerplant is approximately one-half or two-thirds of the frontage on Maluhia Road... it already is and will become plantations. The problems in the past with water in the roadways are from some of the fields that have now been maintained since sugar cane left the area. This is going to help thin out the area in the field. We talked about managing drainage holes, there is a very old tunnel underneath the road on the northend of Kaumuali‘i Highway that is keeping the water flowing into the ditches in Kōloa Town that is coming from out from Mount Kahili. This is to divert the water to where it would normally flow and where the ditch system is toward Hule‘ia Stream. We are working with them on those issues and we will continue to work together to ensure that what we build connects to and infrastructure in the fields and vice versa to not have problems in the future with infrastructure.

Councilmember Kagawa: I am not only talking about the albizzia trees. It would be my suggestion that if there is any “weed” types of trees that are non-native, it would be perfect timing to clear out the invasive vegetation during
construction. If you did this all at the same time, you would be done, you are able to open the road, and you would need to then maintain the area. If possible, I hope you can coordinate that. Thank you.

Council Chair Kaneshiro: I would like to add that every year when there is the Kōloa Plantation Days, we shut the road down for a day, and the community volunteers to beautify the area, alongside with the Department of Public Works who cuts back a lot of the trees. Over the years, you can see a big difference.

Councilmember Kagawa: What I am saying is why not hire a contractor to do the work during construction. We are already paying twenty-one million dollars ($21,000,000) for both roads. We are one hundred million dollars ($100,000,000) backlog in road construction. Lyle used to talk about the magic number—this is one-fifth of that number. If we are going to do it, we should clean it good.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you. Michael, in reference to the investment and the new design of the road, what is the anticipated lifespan that we are able to expect for the new construction? When do you think the maintenance needs will need to be revisited?

Mr. Moule: That is a good question. In general, asphalt maintenance needs to be resurfaced every ten (10) to fifteen (15) years, maybe a little longer for residential streets. What we are talking about regarding that being resurfaced is an a lot smaller project than what we are reviewing here today. A simple resurfacing of milling out one and a half to two (2) inches of pavement and inlaying would cost a small fraction of the work that we are doing on this project. Our goal with the entire roadway paving policies and procedures is to get to a place that will not require three (3) to six (6) inch depth of reconstruction and overlay. We believe that this project will get us to a place where we are able to have a sustainable and relatively simple resurfacing program for the County roads. For this project, I would say ten (10) years for higher volume road use. It would be advisable to ensure that the fix is a simple overlay or milling out the pavement and overlay a small surface wearing course instead of a large construction project. If we do the required maintenance, this should last fifty plus (50+) years. Underneath the road is a solid base that was used by sugar cane companies and the County. When we go down six (6) inches, it is not broken, we are finding good and solid material, so what happened was we lost several inches of the asphalt pavement but not the underneath base. We feel that by replacing it now, we anticipate not having to mill and overlay for the next thirty (30), forty (40), or fifty (50) years.

Councilmember Chock: Thank you.
Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you for all this important work. When you look at page 2, there are a few areas in the road that you see little curves and wiggles in the road that are different heights when going up. Did we smooth out the curvatures, height, or depth of the road in any of these areas, which also are different heights as you go around it and up?

Mr. Moule: Let me share my presentation again.

Councilmember Cowden: I receive comments particularly from my mature friends that in the evening it is hard to see. Are we adding reflective surface bumps, I would imagine so?

Mr. Moule: Let me answer both of those questions. I was trying to pull up the map. We are not doing any significant alignment changes. The reasoning for that is that this project is primarily roadway resurfacing and developing minor safety improvements which include shoulder widening, guardrails, et cetera. We are trying to do the project within the existing right-of-way without purchasing or retaining property from adjacent properties. What we found was that there are situations where the existing pavement is on private property and we have the necessary agreements for that. If not, we are not able to realign roadway in this area. There is one area on Kōloa Road where we are doing realignment to an area that will be flattening that curve a little. The primary purpose of that is to add a turn lane, but it does change the curvature in making that less sharp. I will talk about that when we get to that Resolution. We are not making those changes.

Regarding reflective markings, we will have the double yellow line down the center, a single white line down the sides, reflective pavement markers on the centerline, and in the rural areas and away from houses...when I say “rural” there are very few homes or none at all—we will install rumbling strips down the center. It is not so much for visibility, but it is for safety and keeping people from crossing the centerline. Most of Maluhia Road will have a rumble strip from the highway all the way mauka of Wailaaau Road—which is one-half mile north of Kōloa Town. Kōloa Road will have a rumble strip from a portion of ‘Ōma’o Road east of Mana Hema Place. There is a rumble strip already on Kōloa Road. There will be no rumble strip through the Lāwā‘i portion of Kōloa Road because of the noise that will disrupt residents at night. The yellow reflective pavement markers on the centerline will still be there.

Councilmember Cowden: Okay, that is good to know. I think that the markers will help right where it makes the little dip and turn. That area is at the bottom of the hill and when it is raining, I know people who have gone off the edge
and got hurt. That spot is known for car accidents. The reflectors will help. On a rainy wet day and when it is dark, it is very hard to travel on that road especially if you are unfamiliar with the area. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Council Chair Kaneshiro. Thank you, Michael, for the presentation and for your years of work on this project. I have a few questions. Can you provide an overview from a funding prospective? You mentioned sixteen million dollars ($16,000,000) from the Federal government. Is that the Better Utilizing Investments to Leverage Development (BUILD) grant?

Mr. Moule: No, it is not. This was Federal funding through the State Transportation Improvement Program (STIP). We received more than the usual allotment for this project. The reasoning for that is because this project was already ready to go, initial funding, and HDOT wants to fund projects that are already moving. They can get funds close to the eighty percent (80%) that we had for Federal aid projects. It is not the BUILD grant. We applied for the BUILD grant for Po'ipū Road. I have not seen any verification for that yet, but we understand that September 15th is the deadline for that announcement. We should find out within the week whether we got that grant or not. That is a separate funding source and it would be an addition to the approximately eight million dollars ($8,000,000) per year that we usually receive from Federal government for STIP.

Council Chair Kaneshiro: Michael, can you take your computer off of shared screen. Thank you.

Councilmember Evslin: Good job with getting extra money through STIP, having a shovel-ready project, and good luck with the BUILD grant. It sounds like two (2) good projects for the Kōloa and Po'ipū area. Regarding this Resolution, I have heard concerns from residents in the area that when they walk over the little bridge next to the park, you walk into guinea grass. Would shoulder improvements include that little area to ensure pedestrian access from the bridge to Kōloa Town?

Mr. Moule: Yes, I can show you that. I do not have the full plan, but if you look on this slide, you are able to see that the bridge is to the right of this picture on Kōloa Road and Maluhia Road. The area that is shaded in gray is the paved shoulder. I need to double-check the plans, but I believe that the area here is five (5) feet wide, at least four (4) to six (6) feet. The bridge will remain the same. We are not widening the bridge as part of the project. That is the bridge that has the walkway to cross. In this project, we are not doing a sidewalk, but we are doing a paved shoulder. When you come off the bridge, instead of being on guinea grass, you will be on a paved shoulder. This project is long overdue, and the changes made will assist with the safety aspect. The sidewalks in that area will not be built until that
property is developed. This property falls under the South Kaua‘i Community Plan, it is allowing for development, and there is an element in the plan that a sidewalk is needed or should be built.

Councilmember Evslin: Thank you. I know residents will be very happy to hear about the expansion of the five (5) foot shoulder.

Council Chair Kaneshiro: Are there any further questions from the Members regarding Maluhia Road? If not, is there any final discussion? Councilmember Kagawa.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: Thank you. I like that it is going to be completed soon, and another project to be completed hopefully in December. As we recover from the pandemic and open the island, everything will be flowing for the residents. My primary concern is the residents. I have a follow-up question not related to the Resolution per se. I would like the staff to do a follow-up on the price for both projects. Twenty-one million five hundred thousand dollars ($21,500,000) for the project seems high. My follow-up questions are: 1) how many bids came in; 2) was it a sole bid; 3) what our original projected cost was; 4) if it went over the projected cost; and 5) what was the total amount. There are steps that can be taken to eliminate overpaying contractors. It would also help if you implemented an offset price. I feel that if there is lack of competition, if you implement certain stipulations, you will force and/or invite other contractors to provide bids. When you have a multi-million dollar project, you need to do your part in sharpening your pencils and save taxpayers money. Even if we are receiving subsidy, it is still coming from the government. With all facets of government, now that we are in a recession, we need to do our part, and ensure that the public’s money is not gouged. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a comment following Councilmember Kagawa regarding both Maluhia Road and Kōloa Road. When I look at the lawsuits and claims we have against the County regarding problems in these areas, the residents are going to be happy. It will save the County money, legality issues, and ensuring safety for the people. I want to express deep gratitude for people who are losing their night vision. This will provide safety measures for people traveling on these roads. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Evslin.
Councilmember Evslin: I would like to thank Michael and the Department of Public Works for the work you have done over the years regarding this project. I would like to acknowledge the fact of acquiring federal grant money. As Councilmember Kagawa stated, the timing could not be better, and it will hopefully be complete by the time we start to reopen. It is my hope that the traffic will not be as bad as it would have been if this was done during normal circumstances. From a recession perspective, we are receiving an influx of construction money at a time when it is sorely needed. Along with the fact of it being a good project, it also seems like a great time to do it. Good job, Michael.

Council Chair Kaneshiro: Councilmember Kuali‘i.

Councilmember Kuali‘i: I would like to say mahalo nui loa to you, Michael, and your team. I feel that this is an important investment. I like the fact that when we improve the safety measures on the road for drivers that we are also improving the road for pedestrians. Thank you for doing that.

Council Chair Kaneshiro: Is there anyone else? If not, thank you Michael. This project is long overdue. It would not have been possible if we did not have GET money to pay for it. Fortunately, we receive a match from the federal government because if we did not, we would be struggling to scratch the surface on the road. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion for adoption of Resolution No. 2020-36 was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro
AGAINST ADOPTION: None
EXCUSED & NOT VOTING: Brun
RECUSED & NOT VOTING: None

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Resolution No. 2020-37 – RESOLUTION ESTABLISHING TURN LANES, A ROUNDABOUT, AND A CROSSWALK, AND AMENDING RESOLUTION NO. 2008-32, ESTABLISHING SPEED LIMITS ALONG KÔLOA ROAD, KÔLOA DISTRICT, COUNTY OF KAUAI
Councilmember Kuali‘i moved for adoption of Resolution No. 2020-37, seconded by Councilmember Chock.

Council Chair Kaneshiro: Michael, you can finish your presentation.

There being no objections, the rules were suspended.

Mr. Moule: Next, is Resolution No. 2020-37, regarding Kōloa Road. First, I will walk through the text of the Resolution followed by the exhibit images on Kōloa Road. The new items are highlighted in yellow; and in blue, are items previously existing prior to the project and included in this Resolution presented before the Council.

Section 1, page 13. A center two way left turn lane on Kōloa Road from Lauoho Road to approximately six hundred (600) feet west toward Kaumuali‘i Highway. This is the area reflected in the image, near several businesses that had a lot of activity turning in and out. There is an extra right of way. In this area, we would realign the road and widen the road to be able to provide a left turn lane for safety.

Section 2, page 14. Left turn only lanes in several locations. Highlighted in blue previously existed. On Kōloa Road turning westbound onto to Lauoho Road, eastbound turning left onto Pua Kenikeni Street, Lāwa‘i Hillside Subdivision, a left turn lane westbound onto Po‘ipū Road, eastbound to northbound turn from Kōloa Road and onto Maluhia Road. An additional new lane from Kōloa Road and Piko Road. Piko Road is officially a collector road, but technically it is a federal aid road, (Inaudible) for long term housing). There is a fair amount of traffic on this road being because there is a lot of people who come from Kalāheo or Lāwa‘i area travel down onto Lauoho Road, turn right on Kōloa Road, and make a left onto Piko Road. It is on a curve where vehicles waiting to make a left hand turn through a travel lane. It is not safe and so we wanted to add a left hand turn lane.

Section 3, page 15. Left turn merge lanes. There is a left turn from Lāwa‘i Road down to Kōloa Road. There is an existing turn lane serving Pua Kenikeni Street, Lāwa‘i Hillside Subdivision, turning left onto Kōloa Road. We are adding two (2) new lanes. The lane I mentioned was added at the last meeting and after the last meeting. There will be one added on Kōloa Road or left turns from 'Ōma'o Road near the roundabout. There will be one more added while restriping Kōloa Road and in Kōloa Town for left hand turns from Po‘ipū Road. Now, I will go over the exhibits.

Exhibit “A,” Sheet 1 of 6, page 16. The yellow highlighted area is the two-step left turn lanes from Lāwa‘i Road, Lāwa‘i Canary Self Storage, there is a store on the corner that is being redeveloped, they are opening up offices, and a newly redeveloped warehouse with retail shops. There is a lot of activity in this area. This turn lane will allow drivers who are going west on Kōloa Road who enter this lane to make a
left into these driveways. It will also allow drivers who are coming out of Lauoho Road or out of these driveways to turn into it to make the two-step left turn in a similar fashion as the merge lane—that was added into those locations. The three (3) blue items exist today and the left turn through Lauoho Road, Pua Kenikeneni Road, and the left turn merge lane will be a two-stage entry onto Kōloa Road for southbound to the eastbound improvements.

Exhibit A, Sheet 2 of 6, page 17. This is the new left turn lane to Piko Road. We would have liked to put a left turn merge lane here, but it is tight in this area. We had a hard time putting in a new shoulder on this side, so we are sacrificing a shoulder in this location. We felt that this was needed more to provide safety improvements. For the left turn out and this being not quite as useful as a left turn in, from a safety point of view, we did not put that in.

Exhibit A, Sheet 4 of 6, Page 18. This is the proposed new left turn lane for Kōloa Town for left turn merge lanes. For left turns out of Po'ipū Road and Kōloa Road, these existing left turn lanes that have been there for years, for left turns into Po'ipū Road and into Kōloa Road, and left turns onto Maluhia Road from Kōloa Road. Looking at things besides the turn lanes, these are both new items.

Page 19. The roundabout at the intersection of Kōloa Road and Ala Kalanikaumaka, there is a new pedestrian crosswalk. I will show you where that is, why it is there and not the others.

Page 20. Here is the image that shows a left turn lane with a left turn from 'Ōma'o Road onto Kōloa Road. It is very short but it is still potentially useful with drivers coming out 'Ōma'o Road to get to Kōloa Town. This is the roundabout at the intersection. You are slightly able to see that this is the existing edge of the pavement right down the middle of the roundabout east to west. The roundabout is built mostly outside of the existing road surface. The County already owns this property. The land for future extension of Ala Kalanikaumaka over to Maluhia Road has already been dedicated to the County. We have the land for this roundabout, one-half of which is being built outside of the existing roadway surface. They will be starting work on that this week from what the contractor told us. For the crosswalk proposed at the roundabout, it does not show here but there is a sidewalk that goes down the eastside of Ala Kalanikaumaka. We are adding a piece to the sidewalk to connect over to the shoulder that we are adding on Kōloa Road. The pavement shoulders will connect the sidewalks at the roundabout. You need a curb around the roundabout; if not, drivers will cheat and cut across the shoulders to go faster. For that reason, you are not able to have big shoulders the same way that we are having elsewhere on the road. We are showing the sidewalk wrapping all the way the north side of the roundabout to provide that connectivity for people who are walking around the shoulders to get to 'Ōma'o Road. The crosswalk here provides the ability for people to come up this sidewalk and cross over
to get to 'Ōma'o Road. We received a comment from the Kaua'i Police Department (KPD) who requested that we move the crosswalk from one side to the other. There is a lot of activity where drivers park on the left shoulder of Ala Kalanikaumaka, they walk across the street, and walk up and down the sidewalk. We looked at that and found that it would be very challenging to build a sidewalk that connects to where people are parking because there is a drain (Inaudible) that is tight. We also feel that because people are not parking here and parking further down, even if a walkway was provided for them to get back down here, it is unlikely that people are actually going to walk down here to utilize this crosswalk. We decided not to add a crosswalk on the south lane as suggested by KPD.

Section 6, Page 21. The last item is the speed limit change. The existing speed limit on Kōloa Road is fifteen miles per hour (15 MPH) for a short segment of Kōloa Road in Kōloa Town. It is twenty-five miles per hour (25 MPH) as you leave Kōloa Town towards 'Ōma'o Road and in the Lāwa'i area from the highway down to east of Mana Hema Place, which is about one and one-half miles from the highway. It is thirty-five miles per hour (35 MPH) in the rural section where there are no direct houses adjacent to the roadway.

Exhibit “B,” Sheet 1 of 2, page 22. This is not changing. The existing 25 MPH from the highway to here, the existing 35 MPH down towards Kōloa Town, is the long straight stretch passing the houses. I believe the ahupua'a signs for Lāwa'i and Kōloa is right here—that change exists here. It is 35 MPH all the way down here right before you start to see houses on the side of the road. Because we are putting a roundabout where you physically cannot drive faster than 25 MPH, we felt that there is no reason or benefit to have a 35 MPH speed limit. A regulatory speed limit of 25 MPH is appropriate for approaching and entering the roundabout. As you approach the roundabout the speed limit will turn to 25 MPH. It is not in this Resolution being that the previous Resolution did not list that, but we do have plans where the signs are located. When you leave the roundabout past 'Ōma'o Road, it will increase to 35 MPH. There is a minor change to the speed limit to reduce the roundabout speed limit to 25 MPH. That is all that I have. During our discussion, please let me know if you like to see any of the images up on the screen.

Council Chair Kaneshiro: Thank you. Are there any questions from the Members? Councilmember Kagawa.

Councilmember Kagawa: Thank you, Michael. I am also glad that this is being done, it is long overdue. For the past years, there have been many complaints shared with me about this area. Thank you for addressing this and finding a way to get it done, hopefully by December. Michael, once the project is done, do we plan on completing other County roads in the area? I dislike seeing when the main road is being worked on and all the connected roads remain undone. Being that they already
have the equipment there, the logical thing to do is finish the main road and complete the smaller roads that need work to be done. Is there a plan to do this?

Mr. Moule: Not directly related to this project. As you probably are aware, the Roads Division has an ongoing resurfacing paving project. They keep an updated list of the roads that they are addressing each year on their web page. I do not have that right now, I do not know exactly what roads are planned. Any coordination between...I certainly agree, it would be nice do this road while we are here. At times, that does happen, but the challenge with these things is the timing of when a project gets bids on or funded, federal funds can be hard to get. These are different projects with different bids and cannot guarantee the same contractor bid on the two (2) projects. While the paving contractor on this project happens to be the same as the paving contractor. Although this contractor bid and has won the last several years of the Roads Division's road resurfacing projects, there is no way to guarantee that. It does happen. For example, Ala Kinoiki was being paved through a Road Division's contract and they were right next to Maluhia Road and within a very short distance of each other. It already happened once with this project. I would not be surprised that there is a road on the list near Kōloa Road where they might be able to do a similar mobilization savings. Unfortunately, it is difficult for us to plan for that because we would have to effectively combine the project. It is very difficult to combine a Federal Aid project with a local road resurfacing project. I know that the Roads Division tries to create clusters of roads in certain areas. They do roads throughout the island every year, but when they do roads that are within a certain part of the island, they try to do them next to each other and at the same time. It is difficult to do a cross project because of purchasing procurement regulation, et cetera.

Councilmember Kagawa: Why I said that was because for example, when we close Maluhia Road during the week, everyone is advised to take Kōloa Road, but the majority of travelers is taking the road that goes through 'Ōma'o. I do not want to announce that travelers should take that route, we want to them to stay off that road, and it is taking the brunt of the traffic. Because of the heavy volume that it is getting during the week, it is looking like Kōloa Road. The potholes are growing, we are not able to stop the problem because Maluhia Road is closed, and the people are going to travel the easiest route if there is no roadblock. It would be nice to put that road high up on the priority list. Residents living on that road is going to be left with a road that is setback by years of traffic, because of the temporary shutdown on Maluhia Road. I know that we are not able to join projects, but we are able to prioritize other projects that suffered unforeseen damage due the work done by the County.

Mr. Moule: Absolutely. We already communicated that to the Roads Division about 'Ōma'o Road being heavily used.
Councilmember Kagawa: Thank you.

Mr. Moule: We are working to limit heavy truck traffic on ‘Ōma‘o Road during construction and we will be including signage during our project which is one of the immediate changes we are making.

Councilmember Kagawa: I will be honest. I drive on that road often and there are big trucks using that road regularly. They are not using Kōloa Road and going the shorter distance. Unfortunately, there are a lot of residents that are complaining to us about the fact that we do not have a way to stop the big trucks from using the road and allowing only the smaller vehicles. Thank you.

Council Chair Kaneshiro: Councilmember Kuali‘i.

Councilmember Kuali‘i: Michael, when you were talking about the roundabout, when did you say that was projected to be completed?

Mr. Moule: I do not think I specifically mentioned that. The entire Kōloa Road project is scheduled to be completed by December and would include the roundabout. They are starting the work now, a portion of the right-of-way is estimated to be in October with a three (3) month timeframe to finish the rest of Kōloa Road. Again, all schedules are subject to change. We had good weather this year; however, we still had delays caused by soft surfaces in portions of Maluhia Road. We are hopeful that will not be a problem on Kōloa Road given the topography and the way rain works on the southside. It is really wet on the north end and throughout the tree tunnel. The Knudsen Gap area is a very wet area compared to any parts of Kōloa Road. It might be a little challenging, but we are hopeful it will not be so wet. Our schedule is in December depending on the weather.

Councilmember Kuali‘i: You do not show it on the map, but you mentioned something to the effect that the County has already acquired the land north for an additional bypass. Would Ala Kalanikaumaka continue north through the roundabout and connect onto Maluhia Road?

Mr. Moule: That has been in the plan for a long time and has been on the book since Kukui‘ula development started. There was a federal aid project called North Leg of the Western Bypass. That project has not been canceled per se, but it has been postponed for a while. Our current focus is to take care of the roads we already have and ensuring that they are all paved when we are doing paving construction projects and doing the safety improvements on the busier roads. We think and plan for that project to happen, but it is not on the STIP within the next four (4) years that the STIP funds. As we move into future versions of the STIP, we plan to put that project back on the books for design and ultimately construction, but at this time, it is not scheduled for construction.
Councilmember Kuali‘i: Okay, that was my question. It will eventually happen, but it is not on the STIP in the next four (4) years.

Mr. Moule: Yes.

Councilmember Kuali‘i: The only other part of this, and it goes back to Maluhia Road improvement where you are adding a left hand turn lane from Ala Kinoiki, the plan for that to eventually happen in the future, when it leaves the roundabout and goes north, does it connect with Maluhia Road in the vicinity of Ala Kinoiki?

Mr. Moule: Yes, the road right-of-way that has been scheduled to be dedicated west of 'Oma'o connects at Maluhia Road at Ala Kinoiki. I suspect that we would add a roundabout there as part of a future project, but that project development has not been done yet. In my professional opinion, a roundabout would be the right solution for that intersection once it is built. We will need to go through the normal project development process to move that along.

Councilmember Kuali‘i: You read my mind because that was my final question regarding a roundabout in that area. Where the roundabout is now in Ala Kalanikaumaka, obviously you are planning for traffic flow and future volume. I would imagine that the same thing would be needed at Maluhia Road and Ala Koniki as far as traffic flow and volume. In the future, there could be a roundabout there.

Mr. Moule: Yes, I would put my money on that if I were to bet. It could be a while before that happens. As we go through the normal process, it makes sense from a practical point of view. You would not be able to operate without a signal or a roundabout, there is no other signals on the southside right now. I do not think there would be much of an appetite for signal in an isolated intersection. From my current understanding and in hearing from members of the public, our professional opinion in the County is to provide the best solutions, and that is most likely what will happen.

Councilmember Kuali‘i: You mentioned that this is not happening now or stet is not currently on the STIP in the next four (4) years is due to limited funding and it does not rise to the priority of some of the other projects or is it because there is also opposition?

Mr. Moule: I am not aware of any specific opposition. I suspect with any project and to put a road through a new area, you will have some environmental opposition. The reason it is not scheduled at this time is because what is shown on the STIP now are projects that take care of roadway preservation, preserving the surface of the road, and making the same improvements that we are doing for Maluhia Road and Kōloa Road for other roads in the County. Off the top of
my head, other projects that are on the STIP is Kilauea Road, Kekaha Road, Kawaihau Road, Haleko Road, Olohena Road, and Kamalu Road in Wailua Homestead. These are some of the projects that are scheduled to happen that are on the STIP project and subject to change. For some of these roads, we are looking at projects like this. Obviously, it will be different for some these roads because of where they are but our focus right now is to fix the current roads in need for the safety, preservation, and building point of view. Once these roads are completed...in the future, we want to add new road connections.

Councilmember Kuali‘i: With everything you mentioned regarding taking care of existing roads, are we able to be comfortable with and assume that we are maximizing expending our GET funds.

Mr. Moule: Absolutely. We could spend it twice between our Federal aid roads and other paving projects. We have the capabilities to easily spend the funds every year and will be able to in the foreseeable future.

Councilmember Kuali‘i: Thank you very much.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a question on page 20 that has the roundabout for Ala Kalanikaumaka. You mentioned that people are parking on one side then crossing the street to go to the walking path. When we suggested to put a crosswalk close to the roundabout, it did not seem to make sense because people would not walk up that far. Why are we not able to put a crosswalk where they are crossing the street? I know that a crosswalk in a roundabout is confusing on the motion of the crosswalk. If there was a crosswalk where people are currently crossing unsafely, would you be able to show us where that would be?

Mr. Moule: The area you can see here is a bare area where people are parking. If you follow my cursor, people are parking from here to here. Basically the length of the word Ala Kalanikaumaka on this map and down toward the end of the drawing, it would be hard for people to park here. At the top, there is a crest of a hill and a curve. It is not an area we advise people to cross. There is only a small amount of people that go there, and I would not recommend putting a crosswalk there. We would not be able to place a crosswalk there as part of this project because it is not in the area of potential effect and (inaudible) environmental process for this project. I would advise against it, but it is legal to cross the street away from a crosswalk and it requires that people who are doing so that they yield to traffic when they cross. It is my recommendation that in this situation where people are parking and there is no specific place designated for parking, although it is not prohibited and people are choosing to cross the street, I feel that it is reasonable to
cross the road safely by judging traffic on the road. I would not recommend a crosswalk at this location.

Councilmember Cowden: Okay, thank you. If you recommended that it would be a good place for a crosswalk, I would say that we should do that now since we are already doing work there. Because it is at the crest of the hill, we should not place a crosswalk in an unsafe area and encouraging dangerous behavior. Thank you, I accept your suggestions.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I would like to follow-up to that comment. Are people parking there because they live there, or is it for exercising? Why are they parking there?

Mr. Moule: They are parking there to exercise. They are using the existing sidewalk on Ala Kalaniauamaka.

Councilmember Kagawa: For me, if you are parking there for exercise and it is dangerous to cross the street, you should find another place to exercise. You are not able to expect that there will be parking available for you to exercise at the same time we are making safety improvements. There are other places that you can exercise. You can go to the park.

Council Chair Kaneshiro: Are there any further questions? If there is no further question, let us take a vote, and take our caption break.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: I would like the staff to follow-up on the cost of this project. Michael just named a lot of roads that is not completed. If you remember three (3) years ago, Lyle stated that there was a one hundred million dollar ($100,000,000) backlog. This is already costing twenty-one million five hundred thousand dollars ($21,500,000). In the next three (3) years, I do not see the price for inflation increasing or the cost of construction going up. It seems that we are paying a high cost for construction. I am not certain that we are even trying to control the cost. For example, if you were building a home and you compare an estimate from your friend who built the same size home for three hundred thousand dollars ($300,000). The contractor tells you, “I am able to build your house for six hundred thousand dollars ($600,000).” As an individual, would you pay that price or
would you shop around? In the government, because it is “government money,” that is where we fail. The estimate could be at a higher price and we pay it. It is not “your” money, it is the taxpayers’ money. When we talk about other roads and financial constraints on when we pave the next road, I hope we are taking that into consideration. We hired two (2) people to oversee the GET tax and these types of projects. We hired two (2) people to specifically monitor this job. I hope that we are not just paying out for projects. I am not saying that the construction industry is not deserving of twenty-one million five hundred thousand dollars ($21,500,000). What I am saying is if we are able to get them that project plus two more roads that are on the list...the taxpayers will gain two (2) more projects that will be completed at one half (½) the price. I would like a follow-up on the following questions: 1) how many people bid on the job; 2) what the original projected cost was; 3) what the actual cost is; and 4) who the contractors are. I want to ensure that we are being fair with our procurement, following the law, and giving it to the lowest qualifying bidder. I hope that is what is happening. Although they are only rumors, I have heard that we need to improve the way we are giving out contracts. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2020-37 was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro TOTAL – 6,

AGAINST ADOPTION: None TOTAL – 0,

EXCUSED & NOT VOTING: Brun TOTAL – 1*,

RECUSED & NOT VOTING: None TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

There being no objections, the meeting recessed at 10:44 a.m.

The meeting reconvened at 10:58 a.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Resolution No. 2020-38 – RESOLUTION ESTABLISHING NO-PARKING ZONES ALONG PORTIONS OF POI'IPU ROAD, AND REPEALING CERTAIN PARTS OF RESOLUTION NO. 2013-62, RELATING TO EXISTING RESTRICTIONS ALONG PORTIONS OF POI'IPU ROAD, KOLOA DISTRICT, COUNTY OF KAUAI
Councilmember Kuali‘i moved for adoption of Resolution No. 2020-38, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Welcome back. We are on Resolution No. 2020-39. We did receive one (1) piece of written testimony in support from Chris Gampon. Is there any discussion from the Members?

Councilmember Cowden: Is this the area near the Grand Hyatt Kaua‘i Resort where there are a lot of cars?

Council Chair Kaneshiro: This is the area fronting Keoki’s Paradise where there are a lot of cars parked alongside the road.

Councilmember Cowden: Is Michael joining us?

Council Chair Kaneshiro: I am not sure if he is here.

Councilmember Cowden: I will state my question. I understand the reason that we do not want cars alongside the road. When I attend events on that side, I end up parking in that area. My question would be if we remove that parking, where do people park? If we remove the parking and if you cannot find somewhere then you are out of luck, that would impact the businesses that rely on people. I would figure that it would be anyone from dinner, the sports complex, anything that is happening at the Grand Hyatt Kaua‘i Resort, banquets, prom, et cetera. Is there a plan to replace the parking capacity?

There being no objections, the rules were suspended.

Mr. Moule: This is Michael Moule. I am sorry, what was the question?

Councilmember Cowden: My question was, I recognize how heavily burdened that area is on the side of the road where people park on the grass. I am one of those people that is parking there if there is an event. Right now, it is a good time to stop the parking, because I do not think that anyone would miss it. As soon as business picks up, I am wondering where the parking would relocate and how that would impact all of the businesses. There are concerts and events that happen in that area, where would people park?

Mr. Moule: I am sorry, are we on the Po‘ipū Road Resolution?

Councilmember Cowden: Yes, Kiahuna Shopping Village and nearby hotels.
Mr. Moule: The proposed Resolution is to create parking on the *makai* side of the road. At the same time, we are proposing to create a larger more useable parking area on the *mauka* side in the same vicinity. I believe it is approximately four hundred (400) feet long and deep enough that you can pull-in directly. It is estimated to be approximately thirty-five (35) parking spaces which is more than the amount of cars parking currently parking on the *makai* side. Today, people are parking on both sides of the road and crossing the street. Parking here mainly are employees from Ko'a Kea Hotel and Resort. We are in a short-term solution and proposing to build a parking area using recycled asphalt on the *mauka* side and not on the *makai* side. There are no driveways in the area on the *mauka* side. It may change during a long-term discussion with the Po'ipu Road project. In this proposal, it is to allow for short-term parking. It is more than enough parking for the hotel employees.

Councilmember Cowden: I am happy to hear that there will be somewhere else for parking. Is there anyone parking there right now? It is stunning to see “how many parking lots are empty.”

Mr. Moule: During the COVID-19 pandemic, there has been very few people parking there. Occasionally there is a truck parked on the *mauka* side, and there is a person that parks on the *makai* side who is carrying fishing nets and tying them to a signpost. I go through there several times a week, and those are the only cars that I see. Ko'a Kea Hotel and Resort reopened in the last week, but they are not parking on the street. They must be allowing the workers to park inside because they do not have any guests.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Michael. For reference, the parking lot in question that you are proposing is near the Po'ipu Beach Athletic Club. Is that correct, is it behind that?

Mr. Moule: It is actually in the front. The parking area that we are building is *mauka* of the road. When you pull off of the road, there will be parking deep enough for people to park on that side. It would have been built by now, but with COVID-19 and other issues. The Roads Division will build that before put up the signs. Even if you passed this Resolution today, and all of the other Resolutions, it does not go into effect until all the signs are posted. We are not going to post the signs until the new parking area is created.

Councilmember Chock: Okay. I feel that is a good solution for now. My concern is that you will have a lot of people crossing the street because it is a
highspeed area that is flat and open. There have been issues near Po’ipū Beach Park. I am curious to hear about the crosswalk and speed limit, have you taken that into consideration?

Mr. Moule: There is a marked crosswalk on the west end of mauka side of where the parking area will be located. That crosswalk has flashing beacons that were added right before the pandemic hit. The Ko‘a Kea Hotel and Resort employees are most likely to cross on the east end of this parking area that we are creating. It is like the situation that we were talking about on Ala Kalanikaumaka except there are better sidelines with safety crossing the road. Anyone parking there is able to yield to traffic to cross the road like they are already doing now at Ala Kalanikaumaka. Given the relatively small number of people who are doing that and the fact that it is a finite user group making that crossing, that is the reasonable thing to do. It is safe, I live on the Southside and cross roads without using crosswalks all the time. There are crosswalks that do not serve everywhere you want to cross, and this is normal. In that location, people can see in both directions, and cross the street safely to walk to work.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a follow-up question regarding Councilmember Chock point. The parking at the Po‘ipū Beach Athletic Club, there is intricate rockwork in there, is that all wahī pana? What is the story with all of the rockwork back there? That area seems like a cultural site and I park on the grass instead because it seems like I am disrespecting history. Do I have that wrong?

Mr. Moule: I do not understand your question.

Councilmember Cowden: When you go back there and there is all of the gravel, rockwork, it looks like I am parking on an archeological site. Do I have that wrong? When you go to park, there are a lot of rocks.

Mr. Moule: The area that we are putting the parking area on the mauka side is a little further east from the entrance to the Po‘ipū Beach Athletic Club. The only rocks that are in the area are boulders that have been placed on the mauka side to keep people from driving into the private property. We move the boulders back and they are sitting on top of the ground. There is no rockwork in the area that we are planning to work.

Councilmember Cowden: Okay, there is no rockwork.

Mr. Moule: I believe you are referring to the area further west over by where Hapa Trail is coming out. We are not planning to touch that part of the area that you are talking about.
Councilmember Cowden: Okay. That area that usually has parking is shocking.

Councilmember Chock: It is not going to be in the area that you are talking about.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? Roll call vote.

(No registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2020-38 was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro TOTAL – 6,
AGAIONS ADOPTION: None TOTAL – 0,
EXCUSED & NOT VOTING: Brun TOTAL – 1*,
RECUSED & NOT VOTING: None TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: We will go to Resolution No. 2020-42.

There being no objections, Resolution No. 2020-42 was taken out of order.

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 KAUAI

Councilmember Kuali‘i moved for adoption of Resolution No. 2020-42, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members on this Resolution? Is there any final discussion? Roll call vote.
(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2020-42 was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro

AGAINT ADOPTION: None

EXCUSED & NOT VOTING: Brun

RECUSED & NOT VOTING: None

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: We will go back to the Legal Documents on page 5, and proceed with our agenda.

LEGAL DOCUMENTS:

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.

Councilmember Kuali‘i moved to approve C 2020-228, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this item? Is there any discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: Thank you. For me, I have no problem approving this and what it is going to do for the bike path area. If you are teeing off at the Wailua Golf Course, 13th Hole, the Lydgate Campsite which is now the homeless encampment, it is sad what it has turned into. It is hard to focus on a beautiful bike path when that area has turned into what it is now. With the current efforts, I do not see it coming back, and with the homeless transplants that are in the area—it is sad. Thank you.

Council Chair Kaneshiro: Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)
The motion to approve C 2020-228 was then put, and carried by a vote of 6:0:1*.

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.).

Councilmember Kuali‘i moved to approve C 2020-229, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the members on this item? Is there any discussion from the members? Councilmember Cowden followed by Councilmember Evslin.

Councilmember Cowden: Did we have a map affiliated with this?

Councilmember Evslin: There is a map in there.

Councilmember Cowden: How does that connect to Lydgate? Ahukini Landing-Lydgate Park Bike/Pedestrian path. This is a good distance away from what exist now.

Council Chair Kaneshiro: Douglas, this is a question for you. I know that it is only a portion of the path that is not connecting to Lydgate, and on the other side of Hanamā‘ulu Bay. Councilmember Cowden is asking how is this going to connect?

DOUGLAS HAIGH, Chief of Buildings: That is a good question. Ke Ala Hele Makalae path started early with then former Councilmember Bryan J. Baptise. They came up with the idea of the path from Nāwiliwili to Anahola. This is the section that is going from Ahukini Landing to Lydgate Beach Park. We are focusing on this State land parcel near the Līhu‘e Airport. This parcel will get us Ahukini Landing to Grove Farm lands which we intend to acquire. This will get us to the old Hanamā‘ulu concrete railroad trestle bridge, you would cross that bridge, and follow the existing railroad grade, through the movie lands, to Nukoli‘i, and connect at Kaua‘i Beach Resort Road, travel to the Wailua Golf Course, and we will be going through the mauka side of the Wailua Golf Course, between the Wailua Golf Course and the highway, and connecting at Lydgate Park. Right now, we are looking for this section from the State land near the Līhu‘e Airport which starts us from Ahukini Landing.

Council Chair Kaneshiro: Councilmember Evslin.
Councilmember Evslin: I have a similar question, as a follow-up to Councilmember Cowden. This is the right-of-entry and does not begin any construction.

Mr. Haigh: Yes, it actually approves...this was a unique agreement from the HDOT Airports Parcel. When we normally deal with the State, we get right-of-entry for surveying, design, and construction. This gave us right-of-entry for everything including use and maintenance. It is broader than the normal right-of-entry we normally get from the State, but I was not going to challenge the State of Hawai‘i Airport on that because if they want to give us more this time it is one less step we have to deal with in the future. We are still working on coming up with the final alignment and easement document that will accurately portray where exactly the path is going to go.

Councilmember Evslin: Thank you. Is the intention to construct the path from Ahukini to meet up with Lydgate?

Mr. Haigh: That is the intention. However, the timing of that is depending upon fund availability. We would be doing the design before construction. This is a potential innovative readiness training grant section. We did not receive a strong response the last time. We went to the reserve on that program. We might try it again because when they were here, they said that they would be interested in this section. This section will have structure like the elevated boardwalk at Kawaihau.

Councilmember Evslin: When you say responsive readiness grant, that is the same that constructed the boardwalk at Kawaihau.

Mr. Haigh: That is correct.

Councilmember Evslin: It is exciting to see movement. Thank you, Douglas, for your work on this.

Mr. Haigh: You are welcome.

Council Chair Kaneshiro: Are there any further questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion?

The motion to approve C 2020-229 was then put, and carried by a vote of 6:0:1*. 
C 2020-230 Communication (08/27/2020) from the Acting County Engineer, recommending Council approval of the following Property Adjustment Agreements for the Lihu'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.

Councilmember Kuali'i moved to approve C 2020-230, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the members on this item? Is there any discussion from the members? Councilmember Cowden, Councilmember Kagawa, followed by Councilmember Chock.

Councilmember Cowden: Is this across of Dani’s Restaurant? What are we asking for?

There being no objections, the rules were suspended.

Mr. Haigh: This is Douglas Haigh, Department of Public Works, Building Division. This is the lot adjacent, makai to Dani’s Restaurant. With the Rice Street improvements, we moved the location of the driveway entrance to be more logical. In this instance, at the end of the job, the contractor gets less generous than they are at the beginning of the job. They have been leasing that land. In the beginning of the job they said, “Oh, no problem we will move the gate.” However, at the end of the job they are saying, “Well, we did not agree to that.” The person who agreed to that left. We are left holding the bag on it. For us to spend federal funds on this, we need to get this property adjustment agreement approved.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Who left?

Mr. Haigh: One of the contractors’ superintendents left the project...he was the person who made the commitment we were hoping that would be met.

Councilmember Kagawa: Is it normal that we allow people to make verbal agreements without any contract?
Mr. Haigh: This was a verbal discussion.

Councilmember Kagawa: Is that normal? Do we allow mistakes to be made with verbal agreements?

Mr. Haigh: In reality, they did not have a contractual obligation to move that gate. The verbal was like a favor...“I will help and do that since we are leasing the land and we are there anyway.” They did not have a legal obligation to do that work and it was not within their contract scope.

Councilmember Kagawa: I will accept that answer, but I am more perplexed.

Council Chair Kaneshiro: Are there any other questions from the Members? Councilmember Evslin.

Councilmember Evslin: When you say that the property does not have to get done first in order to use federal funds, are you referring to the Transportation Investment Generating Economic Recovery (TIGER) grant and those funds being used.

Mr. Haigh: Yes, our intent is to use the TIGER grant funds to put in that gate.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? Councilmember Kagawa.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: Yes, for the record, I would like to state that the TIGER grant is the biggest waste of government money I have ever seen in my life.

Council Chair Kaneshiro: Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-230 was then put, and carried by a vote of 6:0:1*.
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

Councilmember Kuali‘i moved to approve C 2020-231, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this item? Is there any final discussion from the members? I would like to state that this is the final piece for them to be able to open the road. I attended a blessing a few months ago for this road. In order to open the road, we needed this Dedication Deed and Resolution to pass. This road will finally be open after these documents are completed.

Councilmember Cowden: That is a very big step, that is great.

Council Chair Kaneshiro: Is there any further discussion?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-231 was then put, and carried by a vote of 6:0:1*.

CLAIMS:

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.

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.

Councilmember Kuali‘i moved to refer C 2020-232 and C 2020-233 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members on these items? If not, is there any final discussion on these items?
(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to refer C 2020-232 and C 2020-233 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2020-06) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on second and final reading:

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (Mixed Use Tax Exemption),"

Councilmember Kuali'i moved for approval of the report, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the members on this item?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the report was then put, and carried by a vote of 6:0:1*.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2020-19) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

"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,"

A report (No. CR-COW 2020-20) submitted by the Committee of the Whole, recommending that the following be Approved as Amended on second and final reading:
“Bill No. 2775, Draft 2 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,”

Councilmember Kuali'i moved for approval of the reports, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the members on these items?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion for approval of the report was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: Next, we are on page 8, Resolution No. 2020-39.

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

Councilmember Kuali'i moved for adoption of Resolution No. 2020-39, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions on this item?

Councilmember Cowden: Can we get an explanation on this?

Council Chair Kaneshiro: Yes, Reiko, are you there? Reiko, are you able to give a brief explanation on this Resolution.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance: There is specific language in there that we have to contract with the Kaua'i Humane Society for dog cruelty and abuse investigation. No other County has a restrictive use on exactly who they need to use it just says “Animal Control Provider.” The language in the Hawai'i Revised Statutes (HRS) dates back to 1950, and it has not been changed since. Basically, it does not give us any flexibility. With this, we are not trying to remove the Kaua'i Humane Society from contracting. It is regarding flexibility and we will not have to be at their whim to change providers. On the Big Island, they had a falling out between their Humane Society and Administration. They had to go through a lot of loops, but at least they could do that because they did not have an HRS that prevented it. For us, we
would be held to contacting the Kaua'i Humane Society, which would be difficult for us to do.

Councilmember Cowden: Thank you. I appreciate and support this. What I would like to recognize for the record is that in the past few months, there have been several strident issues and complaints that have been shared with me. It is challenging because the Kaua'i Humane Society and the Kaua'i Police Department does not feel that they have the capacity to handle this. I want to acknowledge that there is a gap in service. I am an animal lover. When we have animals around the island, one part is having animals, but there are difficult situations when cruelty to animals impacts the people around them. There are very challenging times where we need to figure out who is going to intercede. Right now, by removing this, it gives us greater flexibility. This is not saying that we do not care. We do care and we need the flexibility. Am I correct?

Ms. Matsuyama: Yes, I would like to add that in conversations with the Kaua'i Humane Society, they are in support of legislation as long as they have a say. I would say that in the last few weeks, our relationship with them has drastically improved in terms of transparency. We are on our way to a positive relationship with them and this is no way a reflection of contract limitations.

Councilmember Cowden: Thank you. I find that the Director is very easy to speak with. I want the people to be able to hear what is happening because I am dealing with several strident situations. Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? Councilmember Evslin.

Councilmember Evslin: Thank you, Reiko. It is good to hear that the relationship has improved over the few weeks. Is this only referring to dogs or are we mandated by State law to contract for dogs or are we able to do that with cats and other animals? How does that work?

Ms. Matsuyama: HRS does not talk about cats. Cats are included in our County Charter.

Councilmember Evslin: Okay. One of the concerns would be that if we are not going to contract with the Kaua'i Humane Society and go through someone else that is possibly a low cost provider, there could be a situation where that low cost provider is mistreating dogs. Presumably, there is a minimum standard of care compared to the State law and how does that work?

Ms. Matsuyama: Yes, I believe dog cruelty is included in the HRS. We would not be able to contract someone that (Inaudible) animals. I believe the
Kaua'i Humane Society would have an advantage because they actually have a facility. I do not know any other provider on island that has a facility. So, they already have an advantage over anyone else, and even from a cost perspective. That is something that we never explored.

Councilmember Evelin: Thank you. Would this allow the County to split or contract with different service providers? In theory, would the Kaua'i Humane Society only service dogs and then other contractors would service other animals?

Ms. Matsuyama: Correct. In theory, you can split it.

Councilmember Evelin: Okay, thank you, Reiko.

Council Chair Kaneshiro: Are there any further questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion? Councilmember Kagawa.

Councilmember Kagawa: For me, it seems that the legislation in the '50s was wrong to begin with. How are you able to specify which nonprofit receives a service that the State is mandating the County to take care of? They are saying, “You shall take care of this, and you shall hire this person.” It is already enough that you are telling us that we need to take care of the dogs and the cats. You handle agriculture, why are you not handling this? We handle police. You are going to mandate that we do this, and you are telling us to hire a specific person, that seems illegal. I do not know how that was even voted in from the '50s? It seems totally wrong and I support this. It was wrong from the beginning, it is overdue...over seventy (70) years of terrible legislation that should not have been there. Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I appreciate this, and I think it is moving in the right direction. As the Kaua'i Humane Society has changed and their focus has evolved, I think that we need the flexibility to adapt. One (1) example is the issue of dealing with cats or not being able to deal with them. However, I believe there are many animals that are in distress. We have organizations that are established on the island who have taken the lead in trying to address this during disasters or weather events. We need to be able to help and respond to it as well. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.
Councilmember Cowden: I am in alignment with that. I have been aware of this for at least a decade and where there have been challenges. Kaua‘i is the only County that has this written into the legislation. The other islands have had the flexibility. It is better for the nonprofits, the animals, and everyone for people to be responsible for what they are showing the capacity and the desire for. I support this.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I would like to echo my colleagues. I think that it is pretty clear that the Kaua‘i Humane Society’s focus is in transition. It is important that we add the flexibility to move forward and be able to contract with those who are right for different aspects of animal control. Whether one aspect of that involves the Kaua‘i Humane Society and another aspect involves someone else, is to be determined. I would like to state that it has been disconcerting with their stance regarding stray cats and that they are no longer accepting stray cats. I think we need to find a solution soon. I can understand why this may have not been originally included. It could be that someone at the Kaua‘i Humane Society was trying to do a big CIP, with the building out there at the Kaua‘i Humane Society, they needed guarantee revenue stream for “x” number of years, but it certainly does not seem applicable anymore. I fully support and advocate for this change. Thank you, Reiko.

Council Chair Kaneshiro: Thank you. Is there anyone else? Councilmember Cowden.

Councilmember Cowden: I would like to say that the Kaua‘i Humane Society takes care of stray cats, they do not take care of feral cats. There is a big difference. For the people who are listening and have concerns, a stray cat can go there but not a feral.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Councilmember Cowden for correcting me. I am not meaning to blast the Kaua‘i Humane Society. For the last years, all our animals we got came from them. They do a good job with things like caring for neglecting dogs or finding homes for dogs. Thank you, Councilmember Cowden.

Council Chair Kaneshiro: With that, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2020-40 was then put, and carried by the following vote:
Resolution No. 2020-40 - RESOLUTION APPROVING A STATE BILL RELATING TO HIGHWAY SAFETY FOR INCLUSION IN THE 2021 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE (U-drive Motor Vehicle Registration)

Councilmember Kagawa moved for adoption of Resolution No. 2020-40, seconded by Councilmember Chock.

Council Chair Kaneshiro: These are Bills that were previously proposed at HSAC. I will have Councilmember Chock give a brief overview.

Councilmember Chock: Thank you, Council Chair Kaneshiro. The task force brought this up again and suggested that we introduce them again. As mentioned, these is items that we passed through HSAC at the last session and will be included in both the Kaua'i Legislation Package and HSAC. First, the U-drive Motor Vehicle Registration and the equality that we are looking for U-drive including rental cars, beautification, and the amount that is attributed to the Beautification Fund. We believe that should be equal. Second, we will be looking at the abandoned and derelict vehicle towing. There has been abuse in the past. When someone abandons their vehicles, they have towing fees, or they have not paid for any of their fees, they will not be able to register a new vehicle until they take care of that. This is to address the abuse that we have been experiencing with people who are dumping their vehicles. Thank you.

Council Chair Kaneshiro: Are there any questions from the Members? We have seen this before. If not, is there any final discussion? Councilmember Kagawa.

Councilmember Kagawa: I would like to thank Councilmember Chock and the task force for putting in the work and time into the package. It got approved last year. Our lobbyist, Jon Okudara, worked really hard to get this passed. At the Legislature, it got sabotaged by questions from other representatives on the committee who were asking Honolulu what they thought about the ideas and about the legislation. They would say, “Well, perhaps we should do this instead of this.” The City and County should have looked at those issues when it was in the package, so they would have specific answers or suggestions. It is already chaotic and the Legislature. Instead of solving the problems, they are focused more on finding problems in your amendments that you are proposing. They will say, “Why did you not check with Honolulu?” Why are they saying that they are not sure? I would say
that it is difficult to get things past through the Legislature because you always have
committee members that are trying to sabotage the bills by finding reasons why they
should not support it. This is a difficult problem, but it is not the State’s
responsibility. For some reason, they do not want to help to solve the islands
problems. The derelict vehicle problems are all throughout all the State. We are
trying to deal with a complicated issue of who owns the vehicles or who does the bill
go to? Kaua‘i has put in the work, and we need the Legislature to help and do what
is necessary to solve this problem—it is crazy.

Council Chair Kaneshiro: Is there anyone else? Councilmember Evslin.

Councilmember Evslin: Yes, thank you Councilmember Kagawa for
the overview of what happened last year. I was not sure or what the rational was not
to pass it. It sounds like they still do not want to pass it. It seems like a
straightforward Bill. U-drive includes all rental cars that the County should have
the authority to tax the same as resident vehicles. Especially as we have learned last
year when this was first introduced, many abandoned vehicles are rental cars. There
is no rationale from that perspective not to do it. It seems clear, and I hope that the
Legislature can act on this.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: It will come up in the recommendations that
we are going to go over today. For both of these proposals, as was identified by the
task force, assist the recommendations. The Beautification Fund and the plans that
we have to help take cars off of private property in the future and to have some
regional pick-up days would go towards that. For the second one, we feel like we have
to attack it from both ends; from the abuse end that we are seeing happen, but also
providing an avenue for those who are looking to dispose of their vehicle in the proper
way, to do so as well. We will be able to talk about those in the task force meetings
as well. Thank you.

Council Chair Kaneshiro: Anyone else? If not, roll call vote.

The motion for adoption of Resolution No. 2020-40 was then put, and carried
by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro TOTAL – 6,
AGAINST ADOPTION: None TOTAL – 0,
EXCUSED & NOT VOTING: Brun TOTAL – 1*,
RECUSED & NOT VOTING: None TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.
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 HAWAI’I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE (Abandoned And/Or Derelict Vehicle Towing)

Councilmember Kuali’i moved for adoption of Resolution No. 2020-41, seconded by Councilmember Chock.

Council Chair Kaneshiro: I believe Councilmember Chock already went over this. Any questions from the members?

Councilmember Cowden: I do. I just want to be really clear...

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am relooking at this and I have confused it with an earlier...I did not look at it closely enough. It is good, but it kind of shocked me a bit. This means that if you abandon a vehicle and if it is taken away, and if you go in to register another vehicle two (2) or three (3) years later or whenever you are doing it, you are going to get dinged for your irresponsibility in the past. That seems fair. I think that would change a lot of behavior. I support that. I am sorry that I reacted that way. I had not really got that earlier. It is an important thing. It is also good that it goes with how we change over the title. Many times people almost give a car away and towards the end of its life, it helps people understand why it is really important to change the title and not just gift it off to somebody to be irresponsible later, or you will have to pay for their mistakes. Do I understand that correctly?

Councilmember Chock: Yes.

Council Chair Kaneshiro: I believe they brought up the fact that there are known vehicle owners that have abandoned a lot of vehicles and yet still come in and register more vehicles. Right now, the County has no way to prevent this. They give them another registration and the vehicle gets abandoned again. It is a cycle that has been frustrating to the Administration. We are continuing to issue registrations to owners that are abandoning vehicles and costing the County money to get rid of. Any other final discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: You see a lot of them by Lucy Wright Park. The people do not work, so they have it parked there, and they are working on the vehicles. The vehicles look very busted up. You can imagine that at some point, they are going to end up on the side of the road at some point. They like to “finagle” with cars.

Council Chair Kaneshiro: Anyone else? If not, roll call vote.
(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2020-41 was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro

AGAINST ADOPTION: None

EXCUSED & NOT VOTING: Brun

RECUSED & NOT VOTING: None

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

BILL FOR FIRST READING:

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: Councilmember Kuali‘i moved to refer Proposed Draft Bill (No. 2804) to the Planning Commission, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We did receive written testimony on this. I do not know if Ka‘aina is on. I will give a brief overview of this Bill. I will just read the Findings and Purpose for everyone. In general, the intent is to make things easier for farmers and ranchers to get their products to customers. If there are any questions, I can go through each of them one-by-one if you would like. “The Council finds that the various lock-down measures in response to the Novel Coronavirus Disease 2019 (COVID-19) pandemic have halted economic activity in certain sectors and harshly disrupted others. Families who have lost employment income because of the COVID-19 pandemic have struggled to provide the basic needs of shelter and food.

The Council also finds that Kaua‘i may experience further impacts as a result of steps taken by Young Brothers Hawai‘i to address financial challenges brought on by a 30% drop in cargo volumes due to the COVID-19 pandemic. Again, this was written even before the increase in fees for Young Brothers, but it was already being discussed at that time.

The Council further finds that nonprofit organizations and community members islandwide, including the County of Kaua‘i and several business entities, have stepped up in many ways to help individuals and families in need and to provide and share a variety of resources at no cost to the recipient. The agriculture industry and agriculture community have been a major component and partner in efforts to provide families with food and fresh produce.
The Council finally finds that agriculture and agriculture-related activities must remain viable and continue to be a source towards accomplishing food security for the County of Kaua'i.

The purpose of this Ordinance is to amend the Comprehensive Zoning Ordinance to encourage and allow a multitude of agriculture and agriculture-related activities in the Agriculture Zoning District.” If you folks want, I can go through any of the changes.

Councilmember Chock: I have a question.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you. I am really happy that we are trying to find solutions to helping our agriculture industry, particularly in these times. I completely support this. As I read the sections that you have listed here, such as agriculture retail stands, botanical garden, and farmer’s market, those are all...food packaging of agricultural products, those are all great. The only one that starts to make me question, and I did receive some questions and testimony on it is the restaurant and food services piece. I am hoping that the Planning Commission can take a look at that part. I am even supportive of the way that it is described here. The one that I think starts to raise a red flag for me here is the table service part of it. Maybe it is a question of clarity about what that is. I do not know if I want to see a farm turn their farm into a restaurant, so to speak, and be more of the focus than agriculture. For instance, if they were growing kalo and they had all their products that they were serving were from their farm, then that is great. I just want to know the nuances of that. I do support the direction of this Bill.

Council Chair Kaneshiro: The intent of this was also to provide clarity. It was to make certain activities on agricultural land permitted and easier to do. In relation to the restaurants, food service, and retail sales, a landowner would still go through the use permit process, which is what they have to do no matter what if they want to do a restaurant or provide food services. I believe that would even include a food truck, if they wanted to put a food truck on their property. This is trying to encourage sales of your own produce. Agriculture retail stand is a way that farmers can actually sell their own produce on their farm to consumers. Having the “P2” on there means that those products need to be derived from their farm. Knowing that there is a bigger market as far as restaurants or farm-to-table types of activities growing on the island, that is why we put that in there as far as having a use permit, but also identifying that we are trying to provider owners with more clarity. If you want to do a restaurant, you are going to need to get a use permit for your property. Councilmember Cowden.

Councilmember Cowden: I am very happy to have this come up. I think it has been needed for a long time. I wanted to ask a few questions for clarity if
Ka‘aina is still there. I am looking at where it says, “Farm dwelling.” I think I also saw somewhere that said, “Housing.”

Council Chair Kaneshiro: There is a farm worker housing section that needs a use permit. Right now, a farm dwelling is permitted and farm worker housing would require a use permit.

Councilmember Cowden: Does it not say somewhere in there about adding to an existing house? Am I in the right place? I thought it even said “campgrounds,” but that looks like it has always been there. “Undeveloped campgrounds.” What is that?

Council Chair Kaneshiro: That is currently in the Comprehensive Zoning Ordinance (CZO).

Councilmember Cowden: I know, but what is it? It could be a campground on any farm?

Councilmember Chock: Page 3 in the table.

Council Chair Kaneshiro: Ka‘aina, do you know it offhand, or if not, I can look for it in the definitions that I have in front of me.

(Councilmember Chock was noted as not present.)

There being no objections, the rules were suspended.

KA‘AINA S. HULL, Planning Director: Yes, “undeveloped campgrounds” have been listed since 1972 as a possible use in that zoning district. It is essentially a campsite that has no improvements made to it.

Councilmember Cowden: If they are farm workers in a campground, people camp on farms and they work the farms, is that...I have not noticed that before. There are people that camp that work there. How does that fall in together there?

Mr. Hull: The undeveloped campground is really looking at the campground for recreational purposes and not for long-term inhabitation.

(Councilmember Chock was noted as present.)

Councilmember Cowden: Okay.
Council Chair Kaneshiro: I can read the two (2) definitions. They have a developed campground, which I believe would be offered for rent or temporary occupancy. Undeveloped campground is just for people passing by. “Developed campgrounds” means land or premises designed to be used, let or rented for temporary occupancy by campers traveling by automobile or otherwise and which contain such facilities as tent sites, bathrooms or other sanitary facilities, piped water installations, and parking areas, but not including mobile home parks. Developed campgrounds may include facilities for the temporary placement of camp trailers and camping vehicles which are utilized for non-permanent residential uses at no more than six (6) vehicles per acre. “Undeveloped campgrounds” means land or premises designed to be used for temporary occupancy by campers traveling by foot or horse which may contain facilities and fireplaces, but do not contain facilities as are provided at developed campgrounds.

Councilmember Cowden: When I am hearing about this potential for “glamping” on agricultural lands, that is not what that is, correct?

Mr. Hull: No, any glamping proposal would have to go through the use permit process. I think there is some discussion on a possible glamping site occurring on the North Shore, but they would still have to go through the public hearing process. There is nothing connected in this draft ordinance to the idea of glamping or even to expand aspects that are permissible on agricultural lands.

Councilmember Cowden: Then, “farm dwelling,” does that just mean someone’s house as opposed to farm worker housing.

Mr. Hull: Correct, “farm dwelling” is also something that has been in place since 1972. That is just recognizing that residential habitation cannot occur on agricultural land. It has to occur within technically a farm dwelling and that dwelling is associated with some type of farm aspect. The farm worker housing section was actually drafted specifically to address that if there is no density on a particular lot of record or if they used up all the density, they could look at these additional farm worker housing units to provide more habitation for farmers on farms under a specific threshold.

Councilmember Cowden: Why is there a line under farm dwelling? That means it is a new piece in this Bill. There is a line under it. I am just wondering why. It is an addition. It is like the sixth item down.

Mr. Hull: I am not sure. We worked with Council Chair Kaneshiro and Council Services to draft this. I think that may be a typo.

Council Chair Kaneshiro: Farm dwelling was not included in the table in the past. So we put it in there.
Councilmember Cowden: Okay. Thank you. It seemed to me like we have always been able to have that. I just wondered if it is new, then why is it in there. If it is just an oversight, you are correct in adding it back in there.

Council Chair Kaneshiro: Some of these, we added things back in. For other ones we tried to consolidate it. For example, the first item was agriculture, diversified, and specialized, and nursery. All of those were separate, but they are all similar activities, so we just added them into one line item.

Councilmember Cowden: You separated out the types of livestock.

Council Chair Kaneshiro: Yes.

Councilmember Cowden: Was there a reason for that? You separate piggeries, poultry, and livestock.

Council Chair Kaneshiro: Poultry and piggeries are a little different than livestock. Poultry and piggeries are not outright permitted within three thousand (3,000) square feet of residentially zoned areas. That is why we ended up splitting it up.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Council Chair. For agricultural retail stand it says, “agricultural products produced on the subject property or the associated parcel.” How does that work for value-added products? If they are growing most of it on the property, but you are adding something to it?

Council Chair Kaneshiro: Value-added products are allowed if they are derived primarily from that subject property. If you look at the notes on page 4, agricultural retail stand says “P₂.” “P₂” says only produce raised or grown on the property and/or its associated farm or value-added goods derived primarily from produce or livestock raised on the subject property and/or the associated farm.

Councilmember Evslin: Okay. As far as that word “primarily,” it just seems kind of vague. My fear is that someone will produce something that is mostly from the farm or even one-third from their farm and they get dinged that it is not “primarily.” Are there any concerns over that definition?

Council Chair Kaneshiro: For me, it gives the farmers some flexibility. If they are making some type of jam with their produce, sugar would not be derived from their farm. Some other additives as well. We do need to provide some type of
flexibility. As far as taking a product from someone else and selling it at your agricultural retail stand, that would not be allowed. If you are taking a product that someone is selling...say “Salty Wahine” or some type of salt like that, that would not be allowed to be sold at your retail stand. That would not be allowed as it is not derived at your farm or primarily from your farm.

Councilmember Evslin: If you did want to sell your neighbors produce also and you are teaming together to make a combined retail stand, would that be considered a farmer’s market? How would that work?

Mr. Hull: That would be considered a farmer's market.

Councilmember Evslin: Okay. One more question. Retail sales, I do not have the definition in front of me. If they have a farm and they are selling branded clothes or something, is that retail sales?

Council Chair Kaneshiro: Retail sales...we did not have a definition for that. That is like starting to do more of a grocery store-type of operation on agricultural land. You would have to get a use permit for it.

Councilmember Evslin: Okay. Back to the restaurant question that Councilmember Chock was asking. Are there not already some restaurants that are allowed through a use permit on agricultural land? Or no?

Mr. Hull: There are currently...I know Common Ground in Kilauea has a use permit. There may be others, but that is the only one that comes to mind right now.

Councilmember Evslin: Was that already an interpretation of an existing use to allow restaurants to be done through a use permit before?

Mr. Hull: The Department before my time as Director and previous directors have interpreted the Code to allow retail or restaurant-type uses can occur on agricultural land, but it has to be via a use permit. The Department today has held the position that if you are going to have a restaurant or any type of retail sales on agricultural land, it needs to be connected to that agricultural activity occurring on that property. What Council Chair Kaneshiro is getting at with the restaurant being included in the proposal, is just clarifying that it can be done via a use permit.

Councilmember Evslin: In this case, with restaurants being added, it does not mean that the produce has to come from the farm, correct?
Mr. Hull: Not necessarily. There are certain State laws such as Hawai'i Revised Statutes (HRS) Section 205 that define agricultural districts and lands in the agricultural district, as well as the various policies that are embedded in the County of Kaua'i's agricultural zoning district, the intent of this is intended for agricultural purposes. Yes, indeed that is true. Anyone can apply for a use permit on agricultural land today under the proposal. Given the guiding principles, it would be incumbent on the Planning Department and the Planning Commission to review a proposal in line with those agricultural policies and should they be adhered to. If someone wants to open up an “Olive Garden” restaurant on agricultural land, but is not using any produce from that land or anywhere from the State of Hawai'i, I do not think the Department or Commission would be supportive of that type of proposal.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Any other questions from the members? This will need to be referred to the Planning Commission. They will vet it at the Planning Commission and then it will come back to us again to go through and approve. Are there any other questions from the members? Is there any final discussion from the members? Councilmember Evslin.

The meeting was called back to order and proceeded as follows:

Councilmember Evslin: I just want to express my appreciation to Council Chair Kaneshiro and the Planning Department for their work on this. I think it is really important. I think we have all heard over and over and over that one of the many barriers is the difficulty in getting produce to consumers. Anything we can do to reduce these types of barriers is important. Just from a traffic perspective, the more we can provide other options in different communities that people can go to their neighbor’s farm to get food without having to drive to a supermarket or to a farmer’s market far away, the better off we all are. I really appreciate the intent of this Bill and look forward to hearing what the Planning Commission thinks as they go through it in more detail.

Council Chair Kaneshiro: Thank you. Anyone else? Councilmember Cowden.

Councilmember Cowden: I just want to also add my gratitude that this is moving forward. I think it is really important and I am really happy that value-added products can be sold right there on the farm. I think that that is very important. When people do herbal treatments, soaps, or other things that people are making, I think it is really going to make those farms more viable. I appreciate it.

Council Chair Kaneshiro: Councilmember Kuali'i.
Councilmember Kuali‘i: I just want to chime in and say that this Bill is very important. I appreciate all of the work. Especially with COVID-19, people are trying to find different ways to get by. Farming is even more important because of the food aspect. Thank you.

Council Chair Kaneshiro: Anyone else? This Bill is important to support our farmers. Everyone is hurting. With COVID-19, restaurants and hotels that have shut down. Their market has dried up. The main intent of this Bill is to be able to allow the farmers to get their produce to their customers faster without having those other avenues available. With that, we will do a roll call vote.

(No registered speakers requested to testify regarding this agenda item.)

The motion to refer Proposed Draft Bill (No. 2804) to the Planning Commission was then put, and carried by the following vote:

FOR REFERRAL: Chock, Cowden, Evslin, Kagawa, Kuali‘i, Kaneshiro

AGAINST REFERRAL: None

EXCUSED & NOT VOTING: Brun

RECEIVED & NOT VOTING: None

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Council Chair Kaneshiro: We had our testimony earlier this morning for Bill No. 2775, Draft 3. We received written testimony on this item. Are there any questions? This is on second and final reading. If there are no questions, is there any final discussion from the Members? Councilmember Kuali‘i.

Councilmember Kuali‘i: I wanted to say that I am glad that we are finally here and we are able to get this passed. I think it is a very important Bill, and we have heard numerous testimonies. I look forward to voting in support today.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I also look forward to voting in support of this Bill. I want to acknowledge that polystyrene is a material of convenience. People did have an evil intention in using them and/or creating it. We now know that it is unhealthy. I want to recognize that Bill No. 2775, Draft 3, is only the beginning step. What goes out in the food service, at this time, to put the restriction on what is coming in packaged products from the Continental United States or elsewhere, is a very high impact choice to try and impose on faltering businesses. I would like to also make a comment about the ability to have reusables. Many of us already use reusable cups.
The Department of Health is the barrier in allowing people to bring in their cups and having it filled. There could be an uncleaned surface. We are not being stubborn and not adding that into the Bill. We would be creating another impasse. I would be enthusiastically supporting this Bill.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Kaneshiro. I would like to mention that for the past years, this County, internally has already committed to discontinuing the use of polystyrene at all our events. It has gone as far as banning the use of single use plastic. We have already modeled the way for us to move forward as an island. Being one (1) of the last islands to review this Bill is a small step. I am looking forward to moving forward. I will not go into the dynamics of the toxicity of polystyrene. As Councilmember Cowden mentioned, although we are removing polystyrene, we need to look at the bigger items that impact our health and environment. I am looking at how we can approach those things. Composting is certainly related to this item. As a County, we are poised to taking those steps in the future and will take ten percent (10%) out of our landfill waste. These are small little pieces that add up and being able to accomplish that. I am happy we can pass this at this time despite the situation we are in with containers. I thank my colleagues and the Administration for supporting this. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Chair. I would like to briefly thank Allison, Ben, and everyone at the Solid Waste Division for all their years of work on this and other diversion efforts. One of the end goals is to save the taxpayers money by extending the life of our landfill through increasing diversion efforts. I deeply appreciate their work. Thank you, Councilmember Chock and Councilmember Kuali‘i, for introducing the polystyrene Bill. I know that Councilmember Chock has worked for years on this item. I appreciate that it is finally coming to fruition. I will admit that I am disappointed that we did not go further while in Committee to prohibit the use of single use plastic food service containers. However, I certainly realize that this is a step in the right direction. This is a work in progress and there is a lot more work to do. I would like to recognize the profound and unprecedented difficulties restaurants are going through right now. Through the process of this Bill and everyday life, I hear from restaurants who are struggling or going out of business. These establishments help to define our community, they are the sole of our community, and they are not going to make it without our support. For those who have not been impacted or have the financial ability to support these establishments, they are not going to make it through this without us. I appreciate the Bill and I look forward to continued diversion efforts.

Council Chair Kaneshiro: Councilmember Kagawa.
Councilmember Kagawa: I do not think that it was this Bill that got us away from polystyrene. A lot of businesses have already done this for the past years and have done it voluntarily. The best way to lead is when leadership is done by action. For those in the food service industry that have believed a lot of the concerns that came out of the environmentalists have already done this. They did it to for the benefit of their customers. I would like to say that when you force this on establishments when it is allowed by the government of the United States is difficult for me at this time. Most of the establishments are now forced by rules of government to do take-out only. Some would say it is minute as far as cost, but when businesses are forced to operate in a different way and not allowed to dine-in. If it was their choice to continue the use of the cheaper material, it is bad timing because of the pandemic. When it comes down to sustaining income for your family or for the families that work for you, it is like juggling hand grenades, and what is important to your family. I believe in freedom. If it is sold and marketing in the United States, we are part of that. If you really believe that you are bettering health, safety, and welfare, we should change it at the Federal-level. Why are we doing this at the County-level? Do we not care about all Americans? I have difficulty with supporting this at this time and my vote will reflect that. I expect that business owners should do the right thing for themselves as leaders. I want to respect their desire to survive in America and under the guidelines that we already have in place. Thank you.

Council Chair Kaneshiro: Is there anyone else? For me, my vote is not going to be popular. I want to make it clear that my “no-vote” is to say, “No, to a government mandate that will further hurt our struggling restaurant businesses.” We are in tough times right now. Restaurant businesses are not able to operate at full capacity. A lot of them have already gone to take-out only. These restaurants were not designed to do this and were designed for eating in-house. Throughout my entire time here on Council, I have been very hesitant and against Government mandates. This Bill does not prevent food packaged in polystyrene outside of Kaua‘i; Cup Noodles Saimin, egg trays...packages for refrigerators, furniture, outdoor sheds, microwaves, et cetera, they all have polystyrene. This Bill does not prevent any of that from coming to Kaua‘i. Polystyrene makes up point zero four percent (0.04%) of our waste stream in the landfill. As far as protecting our landfill and its capacity, there is very little impact. It does not require alternative products to be compostable or biodegradable. Alternatives can be singleuse plastic items. Ultimately, those items will end up in the landfill. Whether you are eating out of styrofoam, plastic, compostable, or biodegradable plate, we have nowhere for those items to go. It is all going to end up in the landfill. It does not save space on the landfill. If polystyrene is truly getting into our environment, which it is, it is a littering issue. People need to and should properly throw away their rubbish including polystyrene products. For me, the Bill sounds great, but I feel that it is added government mandate that will hurt our restaurants. If a restaurant has already changed if they had the opportunity to do so and if they saw the benefit in doing so. With COVID-19—is not the right time to be adding any stress to them. My “no-vote” is to not add any further strain
on our local restaurant establishments and additional government mandates. They are already struggling right. We usually try to make business easier, be business-friendly, allow businesses to survive and thrive, and this will hurt businesses during this time and the economic state that we are in. With that, is there any further discussion? Councilmember Kualiʻi.

Councilmember Kualiʻi: I forgot to thank the Mayor, Administration, the Office of Economic Development. If it was not for the Mayor’s work and the Office of Economic Development working with our small business community, I would not even be at this place to support the styrofoam ban in its current form. I thought it was important to mention that and I also feel that it is important that we be sensitive towards our small business community at this difficult time. Being that it has been years in the making and we have the support of the small business community, I think that it is important that we move forward.

Council Chair Kaneshiro: Is there any further discussion? For me, I would like to make the point that I am looking at the impact of this legislation. The impact of this legislation on styrofoam products being used in restaurants versus the impact of this legislation at a time like this. For me, I am going to stick to saying, “At this time, I do not want this additional government mandate on restaurants.” With that, we will take a roll call vote.

The motion to approve Bill No. 2775, Draft 3, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kualiʻi TOTAL – 4,
AGAINST ADOPTION: Kagawa, Kaneshiro TOTAL – 2,
EXCUSED & NOT VOTING: Brun TOTAL – 1*,
RECUSED & NOT VOTING: None TOTAL – 0.

Ms. Fountain-Tanigawa: Four (4) ayes, two (2) noes, motion passes.

Council Chair Kaneshiro: Motion passes. Next item. This is the last item for the Council Meeting.

Bill No. 2795 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAʻI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

Councilmember Chock moved to approve Bill No. 2795 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kualiʻi.
Council Chair Kaneshiro: Are there any questions from the Members regarding this item? Is there any final discussion from the Members? Councilmember Cowden, followed by Councilmember Evslin.

Councilmember Cowden: I support this Bill. I think that it is valuable when we see how much empty commercial space we have out there. In some of the older places that are in historic parts of the town where there have been units above and a commercial space below, I am hopeful that when we are creating affordable houses that we are able to convert these places that have soul and character. I think that this a good step to making it feasible to utilize the problems with housing combined with commercial or just housing without adding commercial taxing.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Chair. I would like to explain briefly that the main intention of this Bill is to simply reverse existing inequity in our real property tax code where residential units in commercial buildings are charged at commercial property tax rates, which acts as a disincentive for any mixed use construction. It is not the only reason, but it is a contributing factor to why we have no mixed use buildings out there or various residential units in commercial buildings. This will eliminate that inequity and provides extra incentives if those units are going to stay affordable. I really appreciate the Finance Department’s collaboration on this. It took a lot of time for a simple Bill. We went through several iterations and ended up with the exemption for the simplest road moving forward. As Councilmember Cowden stated, as we are seeing growing vacancies in office space as people are working from home or from closures in retail space. Hopefully landlords can look to convert that for residential usage with the ultimate intent to provide affordable housing close to work. I am looking forward to this Bill hopefully passing.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I would like to also thank the Finance Department and Councilmember Evslin for co-introducing this Bill. It is a no-brainer. I am not sure if it will create mixed use, but it certainly incentivizes it. This is the first step. There are other incentives we are able to work towards form-based code and incentives in the General Plan. I am happy to support this.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kuali‘i.

Councilmember Kuali‘i: Yes, I would like to say that I am very happy to support this Bill. As we have been approached, I think that it is important that we improve our housing inventory. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.
(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2795 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION: Chock, Cowden, Evslin, Kuali‘i, Kagawa, Kaneshiro

AGAINST ADOPTION: None

EXCUSED & NOT VOTING: Brun

RECUSED & NOT VOTING: None

Ms. Fountain-Tanigawa: Six (6) ayes. Motion passes.

Council Chair Kaneshiro: Motion passes.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:25 p.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).