

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

Effective January 1, 2022, Act 220, Session Laws of Hawai'i (SLH) 2021 adds a new option to the Sunshine Law that allows boards to hold remote meetings via interactive conference technology (ICT), such as online meeting platforms, teleconferences, videoconference, and voice over internet protocol.

Pursuant to Act 220, SLH 2021, the meetings of the Kaua'i County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawai'i Revised Statutes (HRS) Chapter 92.
- Councilmembers and/or resource individuals may appear via remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion, at www.kauai.gov/webcastmeetings. Captions will be provided. Please note video production services or enhancements will not be available.
- Written testimony may be submitted on any agenda item and is appreciated at least one (1) hour prior to the meeting. Written testimony may be submitted to counciltestimony@kauai.gov, sent via facsimile to (808) 241-6349, or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihu'e, Hawai'i 96766. Any testimony received after this time will be incorporated into the record as appropriate.
- Oral testimony will be taken in-person or via the Zoom remote technology platform. It shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. It is recommended that anyone interested in providing oral testimony provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil060122>.
 - Video: Meeting ID 823 9338 0140; Passcode: Ms29q9
 - Dial-In: +1 253 215 8782; Meeting ID 823 9338 0140; Passcode: 326951
- All accommodations pursuant to Act 220, SLH 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Council's website upon completion and approval.

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JUNE 1, 2022
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. May 13, 2022 Special Council Meeting
2. May 18, 2022 Council Meeting
3. May 18, 2022 Public Hearings re: Bill No. 2854 and Bill No. 2855
4. May 25, 2022 Public Hearing re: C 2022-101

E. INTERVIEWS:

1. BOARD OF WATER SUPPLY:

- [Tom Shigemoto](#) – Term ending 12/31/2024

2. CIVIL SERVICE COMMISSION:

- [Lauren O'Leary](#) – Term ending 12/31/2024

F. CONSENT CALENDAR:

1. [C 2022-101](#) Communication (05/05/2022) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2022-2023 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter. (***Public Hearing held on May 25, 2022***)

2. [C 2022-118](#) Communication (05/12/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Amending Resolution No. 138 (1954) And Resolution No. 90-94, By Establishing A Crosswalk And A Left Turn Only Lane Along Hanamā'ulu Road, Līhu'e District, County Of Kaua'i (***See Resolution No. 2022-18***)

3. [C 2022-119](#) Communication (05/25/2022) from Councilmember Cowden, transmitting for Council consideration, a Resolution Amending Resolution No. 32, Draft 1 (1985), As Amended By Resolution Nos. 27 (1987), 75 (1988), 45 (1989), And Resolution No. 2000-21 Relating To Traffic Regulations At Princeville. (***See Resolution No. 2022-19***)

G. COMMUNICATIONS:

1. [C 2022-120](#) Communication (05/04/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to Application of Regulations. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-4); Planning Commission Agenda dated March 22, 2022 and Director's Report dated February 15, 2022; Agency Comments; and Draft Planning Commission Meeting Minutes (ZA-2022-4), on file in the Office of the County Clerk.*) (***See Proposed Draft Bill (No. 2868)***)

2. [C 2022-121](#) Communication (05/09/2022) from the Director of Finance, requesting Council approval of the Network Firewall End User License Agreement (EULA) associated with the County's renewal of maintenance and support of the County's network firewall products.

3. [C 2022-122](#) Communication (05/10/2022) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State funds in the amount of \$330,507.01, from the State of Hawai'i Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2023 grant cycle, for the HI-5 Deposit Beverage Container program to be used to fund two (2) HI-5 Recycling Specialist positions and support mobile redemption center operations in Kekaha and Kōloa.

4. [C 2022-123](#) Communication (05/10/2022) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State recycling grant funds in the amount of \$45,000.00, to be used by the Department of Public Works, Solid Waste Division, to support Electronic Waste (eWaste) Recycling for Fiscal Year 2023.

5. [C 2022-124](#) Communication (05/12/2022) from the Director of Parks & Recreation, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 23, Section 23-3.7, Kaua'i County Code 1987, As Amended, Relating To Concessionaires At The Spouting Horn, by updating the status of the concession stands, removing the stall configurations and upset bid amount which will be addressed in Administrative Rules, and allowing the use of electricity by concessionaires. ***(See Proposed Draft Bill (No. 2869))***

6. [C 2022-125](#) Communication (05/12/2022) from the Director of Finance, requesting Council approval of terms contained in the Cisco Systems End User License Agreement (EULA) associated with a Cisco-conducted audit of the number of product licenses used by the County.

7. [C 2022-126](#) Communication (05/20/2022) from the Deputy Director of Parks & Recreation, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 23, Article 3, Kaua'i County Code 1987, As Amended, Relating To Peddlers And Concessionaires, defining a "Peddler's Permit," clarifying that the Department of Parks and Recreation issues such permits, and establishing the process by which fees will be set for such permits. ***(See Proposed Draft Bill (No. 2870))***

H. CLAIM:

1. [C 2022-127](#) Communication (05/17/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by John Masterson, for damage to his vehicle, rental car fees, and pain and suffering, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2022-07:** on COW 2022-02 Communication (05/16/2022) from Committee Chair Kaneshiro transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2022-2023 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**
- b. **CR-COW 2022-08:** on Resolution No. 2022-10 RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 FOR THE COUNTY OF KAUAI **[Approved.]**
- c. **CR-COW 2022-09:** on Bill No. 2851 A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 (*Fiscal Year 2022-2023 Operating Budget*) **[Approved as Amended.]**
- d. **CR-COW 2022-10:** on Bill No. 2852 A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 (*Fiscal Year 2022-2023 CIP Budget*) **[Approved as Amended.]**

J. RESOLUTIONS:

1. [Resolution No. 2022-10](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 FOR THE COUNTY OF KAUAI (*See also CR-COW 2022-08; the Committee of the Whole recommended approval on May 25, 2022.*)

2. [Resolution No. 2022-18](#) – RESOLUTION AMENDING RESOLUTION NO. 138 (1954) AND RESOLUTION NO. 90-94, BY ESTABLISHING A CROSSWALK AND A LEFT TURN ONLY LANE ALONG HANAMĀ'ULU ROAD, LĪHU'E DISTRICT, COUNTY OF KAUAI

3. [Resolution No. 2022-19](#) – RESOLUTION AMENDING RESOLUTION NO. 32, DRAFT 1 (1985), AS AMENDED BY RESOLUTION NOS. 27 (1987), 75 (1988), 45 (1989), AND RESOLUTION NO. 2000-21 RELATING TO TRAFFIC REGULATIONS AT PRINCEVILLE

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2868\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO APPLICATION OF REGULATIONS (*County of Kauai Planning Department, Applicant*) (ZA-2022-4)

2. [Proposed Draft Bill \(No. 2869\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, SECTION 23-3.7, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CONCESSIONAIRES AT THE SPOUTING HORN

3. [Proposed Draft Bill \(No. 2870\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLERS AND CONCESSIONAIRES

L. BILLS FOR SECOND READING:

1. [Bill No. 2851, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 (*Fiscal Year 2022-2023 Operating Budget*) (*See also CR-COW 2022-09; the Committee of the Whole recommended approval as amended to Bill No. 2851, Draft 1 on May 25, 2022.*)

2. [Bill No. 2852, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 (*Fiscal Year 2022-2023 CIP Budget*) (*See also CR-COW 2022-10; the Committee of the Whole recommended approval as amended to Bill No. 2852, Draft 1 on May 25, 2022.*)

M. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)*

N. ADJOURNMENT.

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

Testimony may be submitted in writing to counciltestimony@kauai.gov; via facsimile to (808) 241-6349; or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i 96766. Oral testimony may be given via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. It is recommended that anyone interested in providing oral testimony provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings or may listen to the meeting on the oral testimony Zoom link. All accommodations pursuant to Act 220, Session Laws of Hawai'i 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the Office of the County Clerk as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2856](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 11A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENVIRONMENTAL IMPACT FEES (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-5)
2. [Bill No. 2857](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-6)

3. [Bill No. 2858](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO A PLANNING DEPARTMENT TRANSIENT VACATION RENTAL PROGRAM ACCOUNT (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-7)

P. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.