

## 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

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 96766

Effective January 1, 2022, Act 220, Session Laws of Hawaii (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 Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawaii 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](http://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](mailto: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, Lihue, Hawaii 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](mailto: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](http://www.kauai.gov/webcastmeetings) or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil080322>.
  - Video: Meeting ID: 869 2307 5195; Passcode: z4Aekm
  - Dial-In: +1 253 215 8782; Meeting ID: 869 2307 5195; Passcode: 175760
- 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](mailto: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, AUGUST 3, 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. July 20, 2022 Council Meeting
2. July 20, 2022 Public Hearings re: Resolution No. 2022-22, Bill No. 2871, and Bill No. 2872

E. INTERVIEWS:

1. CIVIL SERVICE COMMISSION:

- [Shelley Konishi](#) – Term ending 12/31/2024

2. PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES  
PRESERVATION FUND COMMISSION

- [Mai Shintani \(At-Large\)](#) – Term ending 12/31/2023

F. CONSENT CALENDAR:

1. [C 2022-163](#) Communication (07/13/2022) from the Director of Finance, transmitting for Council information, the following reports:
  - a. County of Kaua'i Bond Summary of General Long-Term Debt: Rollforward for Fiscal Year 2022;
  - b. County of Kaua'i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of June 30, 2022; and
  - c. Excluded County of Kaua'i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of June 30, 2022: CFD No. 2008-1 (Kukui'ula Development Project) Special Tax Bonds, Series 2012, Series 2019, and Series 2022.

2. [C 2022-164](#) Communication (07/19/2022) from Chris Donahoe, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from April 1, 2022 through June 30, 2022.
3. [C 2022-165](#) Communication (07/20/2022) from the Director of Finance, transmitting for Council information, Period 12 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of June 30, 2022, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2021-2022. *(Copies of the Period 12 Financial Reports as of June 30, 2022 on file in the Office of the County Clerk.)*

#### G. COMMUNICATIONS:

1. [C 2022-166](#) Communication (07/11/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A Crosswalk And Bicycle Lanes On Po'ipū Road, Establishing Parking Restrictions And A Crosswalk And Modifying A School Zone On Pa'anau Road, And Repealing Resolution No. 50-95 And Resolution No. 2013-53 In Their Entirety, And Amending Item 3, Section XV Of Resolution No. 54-91, Kōloa District, County Of Kaua'i. ***(See Resolution No. 2022-27)***
2. [C 2022-167](#) Communication (07/11/2022) 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 Additional Rental Units. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-8); Planning Commission Agenda dated June 28, 2022 and Director's Report dated June 8, 2022; Agency Comments; and Draft Planning Commission Meeting Minutes (ZA-2022-8), on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2878))*
3. [C 2022-168](#) Communication (07/12/2022) 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 the Constraint Districts. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-12); Planning Commission Agenda dated July 12, 2022 and Director's Report dated July 12, 2022; Agency Comments from the Fire Department dated June 13, 2022 and from the University of Hawai'i Sea Grant dated June 29, 2022; and Draft Planning Commission Meeting Minutes (ZA-2022-12), on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2879))*

4. [C 2022-169](#) Communication (07/12/2022) from the Executive on Transportation, requesting Council approval to dispose of the following government records, which have been kept for over seven (7) years and are no longer of use or value, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended:
- Fuel Documents (Fuel Receipts from July 1, 2013 through December 31, 2014, and July 1, 2014 through December 31, 2014)
  - AP Documents (Shop AP Documents and Reports, Fiscal Year Small Equipment Disposed Busses, and Vehicle Maintenance Logs from July 1, 2012 through June 30, 2015)
  - Payroll Documents (Timesheets, half sheets, Weekly Schedule (Leave of Absence and Overtime Selections, Daily Change Forms) Leave Requests, Time Sheets Distribution List from July 1, 2013 through June 30, 2015)
  - Audit Documents (AP, Travel, AEA Quarter/Annual Reports, P-Card Transactions, Adjusted Journal Entries from July 1, 2012 through June 30, 2015)
5. [C 2022-170](#) Communication (07/13/2022) from Michael Gibson, Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association, a non-profit organization, of one (1) 2023 Kawasaki Mule 4010, 4x4 Utility Terrain Vehicle, valued at \$13,455.49, to be used by local lifeguards to serve the community.
6. [C 2022-171](#) Communication (07/15/2022) from Councilmember Evslin, transmitting for Council consideration and confirmation, the reappointment of Jonathan Thomas Lucas to the Public Access, Open Space, Natural Resources Preservation Fund Commission (*Kōloa/Po'ipū/Kalāheo*) – Term ending December 31, 2025. (***See Resolution No. 2022-28***)
7. [C 2022-172](#) Communication (07/21/2022) from the Fire Chief, requesting Council approval to accept a donation from the Friends of Kaua'i Fire Service, a non-profit organization, of an air conditioning unit, inclusive of installation, parts, and the cost of any necessary permits valued at \$10,000.00, for the Hanalei Fire Station.
8. [C 2022-173](#) Communication (07/26/2022) from Council Chair Kaneshiro, requesting agenda time for a briefing from Spire Hawaii, LLP (external auditors), to provide a presentation on the Department of Public Works, Roads Division Performance Audit.

H. CLAIMS:

1. [C 2022-174](#) Communication (07/14/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Waimea Huakai Partners, LP, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2022-175](#) Communication (07/18/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by, American Family Insurance, as subrogee of Monte Huff, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2022-176](#) Communication (07/21/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Heather Barth, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2022-04:** on 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 [**Approved.**]
- b. **CR-PRT 2022-05:** on Bill No. 2870 A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLERS AND CONCESSIONAIRES [**Approved.**]

2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2022-05:** on Bill No. 2828 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, ESTABLISHING A COMMERCIAL VEHICULAR RENTAL REAL PROPERTY TAX CLASS [**Received for the Record.**]

J. RESOLUTIONS:

1. [Resolution No. 2022-22](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO A HOUSING DEVELOPMENT FUND (**Public hearing held on July 20, 2022**)

2. [Resolution No. 2022-27](#) – RESOLUTION ESTABLISHING A CROSSWALK AND BICYCLE LANES ON PO‘IPŪ ROAD, ESTABLISHING PARKING RESTRICTIONS AND A CROSSWALK AND MODIFYING A SCHOOL ZONE ON PA‘ANAU ROAD, AND REPEALING RESOLUTION NO. 50-95 AND RESOLUTION NO. 2013-53 IN THEIR ENTIRETY, AND AMENDING ITEM 3, SECTION XV OF RESOLUTION NO. 54-91, KŌLOA DISTRICT, COUNTY OF KAUA‘I

3. [Resolution No. 2022-28](#) – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Jonathan Thomas Lucas – (Kōloa/Po‘ipū/Kalāheo)*)

#### K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2878\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS (*County of Kaua‘i Planning Department, Applicant*) (ZA-2022-8)

2. [Proposed Draft Bill \(No. 2879\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 12, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO CONSTRAINT DISTRICT(S) (*County of Kaua‘i Planning Department, Applicant*) (ZA-2022-12)

#### L. BILLS FOR SECOND READING:

1. [Bill No. 2828](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA‘I COUNTY CODE 1987, AS AMENDED, ESTABLISHING A COMMERCIAL VEHICULAR RENTAL REAL PROPERTY TAX CLASS (*See also CR-FED 2022-05; the Finance & Economic Development Committee recommended Bill No. 2828 be received for the record.*)

2. [Bill No. 2869](#) – 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 (*See also CR-PRT 2022-04; the Parks & Recreation / Transportation Committee recommended approval on second and final reading.*)

3. [Bill No. 2870](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 3, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLERS AND CONCESSIONAIRES (*See also CR-PRT 2022-05; the Parks & Recreation / Transportation Committee recommended approval on second and final reading.*)



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

1. ES-1079 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua‘i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

#### **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](http://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. 2873](#) – A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING AND CONSTRUCTION REGULATIONS

2. [Bill No. 2874](#) – A BILL FOR AN ORDINANCE AMENDING SECTIONS 25-11.1, 25-12.1, 25-13.4, AND 25-13.9 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SEWERS
3. [Bill No. 2875](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-6.4, 5A-8.1(g), 5A-9.1, AND 5A-11.23(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

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

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

\*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).