

## 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  
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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](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, 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](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/KauaiCountyCouncil070622>.
  - Video: Meeting ID 815 1131 6957; Passcode: aXTxi2
  - Dial-In: +1 253 215 8782; Meeting ID 815 1131 6957; Passcode: 081739
- 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, JULY 6, 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. June 15, 2022 Council Meeting
2. June 15, 2022 Public Hearings re: Bill No. 2861, Bill No. 2862, Bill No. 2863, Bill No. 2864, Bill No. 2865, Bill No. 2866, and Bill No. 2867

E. CONSENT CALENDAR:

1. [C 2022-140](#) Communication (06/03/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee John P. Venardos to the Salary Commission – Term ending 12/31/2024. (***See Resolution No. 2022-23***)
2. [C 2022-141](#) Communication (06/08/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Jerry Ornellas (Environmental) to the Planning Commission for a partial term ending 12/31/2022. (***See Resolution No. 2022-24***)
3. [C 2022-142](#) Communication (06/16/2022) from the Director of Finance, transmitting for Council information, Period 11 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of May 31, 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 11 Financial Reports as of May 31, 2022 on file in the Office of the County Clerk.*)

4. [C 2022-143](#) Communication (06/22/2022) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC's nomination of Councilmember KipuKai Kualii, County of Kaua'i, and Councilmember Tommy Waters, City and County of Honolulu, to serve on the Board of Directors for the National Association of Counties (NACo), and nominations of Councilmember Shane Sinenci, County of Maui, and Councilmember Sue Lee Loy, County of Hawai'i, to serve on the Board of Directors for the Western Interstate Region (WIR), pursuant to Section 5A and Section 5C of the Bylaws of the Hawai'i State Association of Counties, Inc. (***See Resolution No. 2022-25***)

#### F. COMMUNICATIONS:

1. [C 2022-144](#) Communication (06/06/2022) from the Managing Director, transmitting for Council consideration, A Bill For An Ordinance Adding A New Article To Chapter 15, Kaua'i County Code 1987, As Amended, Relating To Building And Construction Regulations. (***See Proposed Draft Bill (No. 2873)***)
2. [C 2022-145](#) Communication (06/08/2022) 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, Lihu'e, Hawai'i, 96766, Tax Map Key (TMK): (4) 3-5-001-165-0030, for a purchase price of not more than \$189,850.00; purchase price is based on the KCHA Repurchase Disclosure Schedule;
  - b. Approve the resale of 3920 Haoa Street, Lihu'e, Hawai'i, 96766, by fee simple for not more than \$191,650.00 as determined by the Kaua'i County Housing Agency (KCHA) Repurchase Disclosure Schedule plus approximately \$20,000.00 for unit rehabilitation; and
  - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.
3. [C 2022-146](#) Communication (06/09/2022) from the Executive on Transportation, requesting Council approval to apply for (after the fact), receive, and expend a Federal Transit Administration (FTA) Section 5311 grant, in the amount of \$1,071,873.00, for operational expenses for the County of Kaua'i Department of Transportation. The indemnification was previously approved through C 2022-26 under CKTAMOA-01, and umbrella Memorandum of Agreement (MOA) for all grants under the FTA for 2021-2026.

4. [C 2022-147](#) Communication (06/15/2022) from the Housing Director, requesting Council approval to receive and expend Hawai'i Housing Finance and Development Corporation (HHFDC) funds, in the amount of \$1,977,568.00, from the HOME Investment Partnership Program – American Rescue Plan (HOME-ARP), which will be used for the Lima Ola, Phase I Permanently Supportive Housing Development in 'Ele'ele, and to indemnify the HHFDC.
  
5. [C 2022-148](#) Communication (06/16/2022) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend a Fiscal Year 2022 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant, in the amount of \$5,365,214.00, and FTA Section 5339(b) Bus and Bus Facilities Program competitive grant in the amount of \$6,687,892.00. The 5339(b) grant will provide eighty-five percent (85%) of the cost to replace four (4) diesel-powered buses that have exceeded their useful service lives, with four (4) electric-powered buses, along with charging infrastructure, and the Agency's base yard expansion projects, as recommended in the Kaua'i Multimodal Land Transportation Plan and the Kaua'i Short-Range Transit Plan.
  
6. [C 2022-149](#) Communication (06/23/2022) from the Acting County Engineer, transmitting for Council consideration, A Bill For An Ordinance Amending Sections 25-11.1, 25-12.1, 25-13.4, And 25-13.9 Of The Kaua'i County Code 1987, As Amended, Relating To Sewers. **(See Proposed Draft Bill (No. 2874))**
  
7. [C 2022-150](#) Communication (06/28/2022) from Councilmember DeCosta and Councilmember Evslin, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Sections 5A-6.4, 5A-8.1(g), 5A-9.1, And 5A-11.23(a), Kaua'i County Code 1987, As Amended, Relating To Real Property Tax. **(See Proposed Draft Bill (No. 2875))**

G. LEGAL DOCUMENT:

1. [C 2022-151](#) Communication (06/09/2022) from the Acting County Engineer, recommending Council approval of the indemnification provisions contained in the Grant of Easement for a Shared-Use Path Easement by and between the County of Kaua'i and Coconut Plantation Beach Investors, LLC, for perpetual non-exclusive easement to build, construct, reconstruct, rebuild, repair, maintain, and operate a bike and pedestrian shared-use path for public access purposes, including a parking lot, comfort station, utility connections, and ancillary facilities under, upon, across, and through a portion of that beforementioned property, situated at Tax Map Key (TMK) No. (4) 4-3-007:027 (Portion), Kapa'a, Kaua'i, Hawai'i.

- Grant of Easement

H. CLAIMS:

1. [C 2022-152](#) Communication (06/09/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Hooklifts Hawai'i LLC, for damage to their equipment rental, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2022-153](#) Communication (06/16/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Michaela Widener, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2022-154](#) Communication (06/24/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Subro Claims, Inc. o/b/o for Geico Insurance, as subrogee for James Brown, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2022-06:** on Bill No. 2856

A BILL FOR AN ORDINANCE AMENDING CHAPTER 11A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ENVIRONMENTAL IMPACT FEES (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-5) **[Approved.]**

- b. **CR-PL 2022-07:** on 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) **[Approved.]**
- c. **CR-PL 2022-08:** on 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) **[Approved As Amended.]**

#### J. RESOLUTIONS:

1. [Resolution No. 2022-23](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*John P. Venardos*)
2. [Resolution No. 2022-24](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Jerry Ornellas – Environmental*)
3. [Resolution No. 2022-25](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS AND THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2022-2023

#### K. BILLS FOR FIRST READING:

1. [Proposed Draft 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. [Proposed Draft 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. [Proposed Draft 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

L. BILLS FOR SECOND READING:

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) (See also CR-PL 2022-06; the Planning Committee recommended approval on second and final reading.)

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) (See also CR-PL 2022-07; the Planning Committee recommended approval on second and final reading.)

3. [Bill No. 2858, Draft 1](#) – 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) (See also CR-PL 2022-08; the Planning Committee recommended approval as amended to Bill No. 2858, Draft 1 on June 15, 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.)

1. ES-1077 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing regarding the Adolescent Treatment and Healing Center located off of Ma'alo Road and related matters. This briefing and consultation involves 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](mailto: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](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. 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](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).

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

- 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](mailto: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).