

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/KauaiCountyCouncil110222>.
 - Video: Meeting ID: 856 3375 6909; Passcode: qPN4hV
 - Dial-In: +1 253 215 8782; Meeting ID: 856 3375 6909; Passcode: 504553
- 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, NOVEMBER 2, 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. October 5, 2022 Council Meeting
2. October 19, 2022 Public Hearing re: Bill No. 2888

E. INTERVIEWS:

1. POLICE COMMISSION:

- [Laurie Yoshida](#) – Term ending 12/31/2025

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

- [William Kinney](#) (*Anahola / Hā‘ena*) – Term ending 12/31/2023

F. CONSENT CALENDAR:

1. [C 2022-247](#) Communication (08/30/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Glenda Nogami Streufert to the Planning Commission (At-Large) – Term ending 12/31/2024. (***See Resolution No. 2022-49***)

2. [C 2022-248](#) Communication (09/16/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Paul Endo to the Liquor Control Commission – Term ending 12/31/2024. (***See Resolution No. 2022-50***)

3. [C 2022-249](#) Communication (10/11/2022) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 22 of Ordinance No. B-2022-866, as amended, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2022-2023.

4. [C 2022-250](#) Communication (10/20/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing No-Parking Zones Along Po'ipū Road And Repealing Resolution No. 2011-34, Resolution No. 2011-57, Resolution No. 2013-62, And Resolution No. 2020-38 In Their Entirety, Kōloa District, County Of Kaua'i. **(See Resolution No. 2022-51)**

5. [C 2022-251](#) Communication (10/20/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A Roundabout At The Intersection Of Kawaihau Road, Hau'a'ala Road, And Mailihuna Road; Establishing Crosswalks On Kawaihau Road, Hau'a'ala Road, Mailihuna Road, Kolohala Road, And Pelehū Road; Establishing A Left Turn Only Lane On Kawaihau Road, Restricting Left Turn Movements To Kawaihau Road, Establishing Bus Stops On Kawaihau Road, Amending Resolution Nos. 64 (1952), 68 (1952), 138 (1954), And 65 (1952); And Repealing Resolution Nos. 2001-048 And 2011-060 In Their Entirety, Kawaihau District, County Of Kaua'i. **(See Resolution No. 2022-52)**

6. [C 2022-252](#) Communication (10/20/2022) from the Acting County Engineer, transmitting for Council consideration a Resolution Establishing Roundabouts At The Intersections Of Po'ipū Road And Kōloa Road; Po'ipū Road, Lāwa'i Road, And Ala Kalanikaumaka; Po'ipū Road And Kiahuna Plantation Drive; And Po'ipū Road, Ala Kinoiki, And Pe'e Road; Establishing Crosswalks On Po'ipū Road, Kōloa Road, Waikomo Road, Pa'anau Road, Ala Kalanikaumaka, Lāwa'i Road, Kūkona A La'a Street, Kāpili Road, Kiahuna Plantation Drive, Hoaka Street, Ho'owili Road, Kīpuka Street, Ala Kinoiki, Pe'e Road, Loke Road, And Keleka Road; Establishing A Two-Way Left-Turn Lane And Left-Turn-Only Lanes On Po'ipū Road; Establishing Right-Turn-Only And Left-Turn-Only Lanes On Kāpili Road And Ho'owili Road; Prohibiting Left Turn Movements From A Private Driveway To Po'ipū Road; Establishing Bike Lanes On Po'ipū Road; Establishing Bus Stops On Po'ipū Road; Establishing A Stop Sign On Hoaka Street, Amending Resolution 64 (1952); And Repealing Resolution Nos. 49 (1957), 67-93, And 2010-41 In Their Entirety Kōloa District, County Of Kaua'i, **(See Resolution No. 2022-53)**

G. COMMUNICATIONS:

1. [C 2022-253](#) Communication (09/28/2022) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend recurring Federal funds, in the amount of \$38,442.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Project No. 20-DJ-03, and to indemnify the State of Hawai'i, Department of the Attorney General. Funding will be used for drug-related investigations.

2. [C 2022-254](#) Communication (10/13/2022) from the County Attorney, requesting authorization to expend funds up to \$50,000.00 to retain Special Counsel to represent the County of Kaua'i in general civil litigation matters or to provide specialized legal guidance. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations.

3. [C 2022-255](#) Communication (10/17/2022) from Keola Siu, First Deputy Prosecuting Attorney, requesting Council approval to receive and expend funds, in the amount of \$5,000.00, from the Hawai'i State Rural Health Association (HSRHA), Hawai'i Opioid & Prevention Program. These funds will be awarded to the County of Kaua'i's Life's Choices Program, and will be used to implement a pilot program addressing jail re-entry to reduce recidivism, through June 1, 2023.

4. [C 2022-256](#) Communication (10/18/2022) from the Fire Chief, requesting Council approval to apply for, receive, and expend Community Wildlife Defense Grant funds in the amount of \$85,800.00, from the Hawai'i Wildlife Management Organization and the Division of Forestry, for the planning and update of a new Community Wildlife Protection Plan for the island of Kaua'i.

5. [C 2022-257](#) Communication (10/20/2022) from the Housing Director, requesting Council approval to receive and expend Transit Oriented Development (TOD) Capital Improvement Project (CIP) Planning funds, in the amount of \$800,000.00, from the State Office of Planning and Sustainable Development. These funds will be used to conduct a series of community engagement and planning meetings, and to complete the required predevelopment studies such as environmental assessments, cultural and historical impact surveys, and preliminary engineering studies for the Waimea 400 Affordable Housing Master Plan (\$425,000.00) and the Kilauea Affordable Housing Master Plan (\$375,000.00).

6. [C 2022-258](#) Communication (10/20/2022) from the Deputy Director of Planning, transmitting the Public Access, Open Space, Natural Resources Preservation Fund Commission's recommendation, A Bill For An Ordinance Amending Ordinance No. B-2022-886, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year JULY 1, 2022 Through June 30, 2023, By Revising The Amounts Estimated In The Public Access, Open Space, Natural Resources Preservation Fund. *(Copies of the Director's Report, Supplemental Report 1 and 2 dated October 3, 2022; Draft Public Access, Open Space, Natural Resources Preservation Fund Commission Meeting Minutes dated October 13, 2022; and Draft Bill, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2890))*

H. CLAIMS:

1. [C 2022-259](#) Communication (10/18/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Presley Wann, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2022-260](#) Communication (10/21/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Calvin B. Soares, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE

- a. **CR-PWVS 2022-06:** on Bill No. 2873, Draft 3 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 [Approved.]

2. PLANNING COMMITTEE

- a. **CR-PL 2022-17:** on Bill No. 2860 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Kaua'i County Council, Applicant*) [Approved.]

b. CR-PL 2022-18: on Bill No. 2877

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE ZONING ORDINANCE), CHAPTER 12 (BUILDING CODE), AND CHAPTER 13 (ELECTRICAL CODE), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS FOR PARKING **[Approved.]**

3. COMMITTEE OF THE WHOLE**a. CR-COW 2022-19:** on Bill No. 2887

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Tax Tiered Software-\$150,000*) **[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2022-49](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Glenda Nogami Streufert – At-Large*)

2. [Resolution No. 2022-50](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Paul Endo*)

3. [Resolution No. 2022-51](#) – RESOLUTION ESTABLISHING NO-PARKING ZONES ALONG PO'IPU ROAD AND REPEALING RESOLUTION NO. 2011-34, RESOLUTION NO. 2011-57, RESOLUTION NO. 2013-62, AND RESOLUTION NO. 2020-38 IN THEIR ENTIRETY KŌLOA DISTRICT, COUNTY OF KAUAI

4. [Resolution No. 2022-52](#) – RESOLUTION ESTABLISHING A ROUNDABOUT AT THE INTERSECTION OF KAWAIHAU ROAD, HAU'A'ALA ROAD, AND MAILIHUNA ROAD; ESTABLISHING CROSSWALKS ON KAWAIHAU ROAD, HAU'A'ALA ROAD, MAILIHUNA ROAD, KOLOHALA ROAD, AND PELEHŪ ROAD; ESTABLISHING A LEFT TURN ONLY LANE ON KAWAIHAU ROAD, RESTRICTING LEFT TURN MOVEMENTS TO KAWAIHAU ROAD, ESTABLISHING BUS STOPS ON KAWAIHAU ROAD, AMENDING RESOLUTION NOS. 64 (1952), 68 (1952), 138 (1954), AND 65 (1952); AND REPEALING RESOLUTION NOS. 2001-048 AND 2011-060 IN THEIR ENTIRETY, KAWAIHAU DISTRICT, COUNTY OF KAUAI

5. [Resolution No. 2022-53](#) – RESOLUTION ESTABLISHING ROUNDABOUTS AT THE INTERSECTIONS OF PO'IPŪ ROAD AND KŌLOA ROAD; PO'IPŪ ROAD, LĀWA'I ROAD, AND ALA KALANIKAUMAKA; PO'IPŪ ROAD AND KIAHUNA PLANTATION DRIVE; AND PO'IPŪ ROAD, ALA KINOIKI, AND PE'E ROAD; ESTABLISHING CROSSWALKS ON PO'IPŪ ROAD, KŌLOA ROAD, WAIKOMO ROAD, PA'ANAU ROAD, ALA KALANIKAUMAKA, LĀWA'I ROAD, KŪKONA A LA'A STREET, KĀPILI ROAD, KIAHUNA PLANTATION DRIVE, HOAKA STREET, HO'OWILI ROAD, KĪPUKA STREET, ALA KINOIKI, PE'E ROAD, LOKE ROAD, AND KELEKA ROAD; ESTABLISHING A TWO-WAY LEFT-TURN LANE AND LEFT-TURN-ONLY LANES ON PO'IPŪ ROAD; ESTABLISHING RIGHT-TURN-ONLY AND LEFT-TURN-ONLY LANES ON KĀPILI ROAD AND HO'OWILI ROAD; PROHIBITING LEFT TURN MOVEMENTS FROM A PRIVATE DRIVEWAY TO PO'IPŪ ROAD; ESTABLISHING BIKE LANES ON PO'IPŪ ROAD; ESTABLISHING BUS STOPS ON PO'IPŪ ROAD; ESTABLISHING A STOP SIGN ON HOAKA STREET, AMENDING RESOLUTION 64 (1952); AND REPEALING RESOLUTION NOS. 49 (1957), 67-93, AND 2010-41 IN THEIR ENTIRETY KŌLOA DISTRICT, COUNTY OF KAUAI

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2890\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*OSC Waipā Foundation Acquisition of Halulu Fishpound*)

L. BILLS FOR SECOND READING:

1. [Bill No. 2860](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*See also CR-PL 2022-17; the Planning Committee recommended approval on second and final reading.*)

2. [Bill No. 2873, Draft 3](#) – 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 also CR-PWVS 2022-06; the Public Works & Veterans Services Committee recommended approval on second and final reading.*)

3. [Bill No. 2877](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE ZONING ORDINANCE), CHAPTER 12 (BUILDING CODE), AND CHAPTER 13 (ELECTRICAL CODE), KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS FOR PARKING (*See also CR-PL 2022-18; the Planning Committee recommended approval on second and final reading.*)

4. [Bill No. 2887](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Tax Tiered Software-\$150,000*) (*See also CR-COW 2022-19; the Committee of the Whole 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-1083 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 to provide the Council with a briefing on the retention of Special Counsel to represent the County of Kaua‘i in general civil litigation matters or to provide specialized legal guidance. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. This briefing and consultation involves 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. 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.