

PUBLIC HEARING

JULY 6, 2022

A public hearing of the Council of the County of Kaua'i was called to order by Bernard P. Carvalho, Jr., Chair, Parks & Recreation / Transportation Committee, on Wednesday, July 6, 2022, at 8:38 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin (*via remote technology*)
Honorable KipuKai Kualī'i
Honorable Arryl Kaneshiro

The Clerk read the notice of the public hearing on the following:

“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,”

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on June 1, 2022, and published in The Garden Island newspaper on June 9, 2022.

The following communication was received for the record:

1. Imperato, Carl, dated July 2, 2022

Committee Chair Carvalho: We received one (1) piece of written testimony. Is there anyone in the audience or on Zoom wishing to testify on this matter? Lonnie.

LONNIE SYKOS: Good morning, Councilmembers. For the record, Lonnie Sykos. I understand the County's need to have control over peddling on County property. I would like to point out that as this is written in Section 3, it says that the Director of Parks & Recreation has to make rules, which implies that there are no rules, because he has not made them yet. When this goes into effect, there are no rules except the total prohibition of peddling anywhere that the Department of Parks & Recreation has authority over, except for Spouting Horn, which is separate peddling entity. I would caution the County. It seems to be fraudulent if you took one hundred dollars (\$100) from someone for a peddler license and told them there is nowhere they can peddle. I have no problem doing it this way,

but the second reality is that there is a total prohibition built into the statute and to allow any commercial activity at a County facility, the Director of Parks & Recreation has to make rules. There is an ill-defined requirement for public hearings before any rule can be issued. If it is the intent of the Council to simply prohibit and never have vending at County facilities, it would be simpler to say so, rather than to create all of this with the outcome being no rules, no peddling. That is what this setup for. Nothing is going to be able to be peddled without public hearings first. The wisdom in creating this statute over simply outlawing peddling if that is the intent. If it is not the intent, it is hard to understand how you are going to go through public hearings and get peddling at any County facility. We are all fully aware of "not in my back yard," et cetera, how hard it is to site anything. Thank you.

Committee Chair Carvalho: *Mahalo*, Lonnie for your testimony. Is there anyone else from the audience or Zoom wishing to testify? If not, thank you.

There being no further testimony on this matter, the public hearing adjourned at 8:42 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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