

**KAUA'I COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, SEPTEMBER 11, 2024**

**8:30 A.M. OR SOON THEREAFTER**  
COUNCIL CHAMBERS, HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201, LIHU'E, KAUA'I, HAWAI'I 96766

MEETING INFORMATION:

- **Oral Testimony:** Accepted in-person at the Council Chambers.
- **Written Testimony:** May be submitted for any meeting via: email to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov); fax to (808) 241-6349; mail to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i, 96766; or hand-delivery at Suite 209 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- **Courtesy Livestream, Video, and Minutes:** Meeting livestream (recorded video to follow) is available at [www.kauai.gov/Government/Council/Webcast-Meetings](http://www.kauai.gov/Government/Council/Webcast-Meetings). If the courtesy livestream is unavailable for any reason, the meeting will proceed. Meeting minutes will be completed pursuant to Hawai'i Revised Statutes (HRS) Chapter 92 and electronically posted at [www.kauai.gov/Government/Council](http://www.kauai.gov/Government/Council) following Council approval.
- **Courtesy Remote Oral Testimony:** This is not a remote meeting pursuant to HRS Section 92-3.7. The option of remote oral testimony is offered as a courtesy only. To register, testifiers shall sign up via emailing [remote.signup@kauai.gov](mailto:remote.signup@kauai.gov), indicating the agenda item(s) they would like to provide testimony on. Emails are due no later than 12:00 Noon the business day prior to the meeting. Those who timely register will receive remote testimony access and instructions via reply email. Those wishing to view the meeting but not provide testimony will be directed to the courtesy livestream (via the website link above). If the courtesy remote testimony access is unavailable for any reason, the meeting will proceed.
- **Additional Note for Both Methods of Oral Testimony:** Generally, each agenda item is addressed (and oral testimony received) in the order listed in the agenda; however, agenda items may occur out of order without notice and oral testimony is not accepted for completed agenda items. Those seeking the guaranteed ability to testify should report: (1) in-person, and (2) by the meeting start time.
- **For Further Assistance:** 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.

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. August 28, 2024 Council Meeting
2. August 28, 2024 Public Hearing re: Bill No. 2925, Bill No. 2926, and Bill No. 2927

E. CONSENT CALENDAR:

1. [C 2024-174](#) Communication (08/27/2024) from the County Engineer, requesting Council approval of a Resolution Establishing A 25 Mile Per Hour Speed Limit On Kūlana Place, Stop Signs On Kūlana Place And Old Hauiki Road, And A Left Turn Only Lane On Ka'apuni Road, Kawaihau District, County of Kaua'i. **(See Resolution No. 2024-20)**
2. [C 2024-175](#) Communication (08/30/2024) from the Hawai'i State Association of Counties (HSAC) Executive Director, transmitting for Council consideration, HSAC's nomination of Councilmember KipuKai Kuali'i, County of Kaua'i, Councilmember Tommy Waters, City and County of Honolulu, and Councilmember Sue Lee Loy, County of Hawai'i (NACo presidential appointee), 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 Michelle Galimba, 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. 2024-21)**

F. COMMUNICATIONS:

1. [C 2024-176](#) Communication (08/19/2024) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance, Including Matters Pertaining To Guest Houses. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2024-3); Planning Commission's Agenda dated June 4, 2024 and August 13, 2024; Director's Report dated May 22, 2024; Supplement #1 to the Director's Report dated July 31, 2024; and Agency Comments, on file in the Office of the County Clerk.)* **(See Proposed Draft Bill (No. 2933))**

2. [C 2024-177](#) Communication (08/20/2024) from the Fire Chief, requesting Council approval to accept a donation of one (1) 2024 Kawasaki Mule for the North Shore Ocean Safety Lifeguards, at an estimated value of \$25,014.65, from the Kaua'i Lifeguard Association, increasing optimum function for emergency response.
  
3. [C 2024-178](#) Communication (08/27/2024) from the County Engineer, requesting Council approval to purchase unbudgeted equipment of a Flygt Series Effluent Pump, at an estimated cost of \$46,000.00. This pump would convey effluent to the Wailua Golf Course for irrigation purposes, due to an unanticipated mechanical failure of an existing effluent pump at the Wailua Wastewater Treatment Plant (WWTP).
  
4. [C 2024-179](#) Communication (08/29/2024) from the Fire Chief, requesting Council approval to accept a donation of one (1) Fire Prevention Week Kit, at an estimated value of \$225.00, from State Farm Insurance, which includes one (1) banner, fifteen (15) posters, and one hundred (100) of each of the following: theme brochures, activity books, stickers, magnets, bags, and "Hard of Hearing" smoke and Carbon Monoxide alarm tip sheets.
  
5. [C 2024-180](#) Communication (08/29/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$700,000.00, and to indemnify the State Executive Office on Aging, for the provision of Title III services of the Older Americans Act (OAA), which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2025. This award is through September 30, 2026.

G. LEGAL DOCUMENTS:

1. [C 2024-169](#) Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of a Dedication Deed, from the Association of Apartment Owners (AOAO) of Kūlana, dedicating Roadway Lot 22-A, Tax Map Key (TMK) No. (4) 4-3-003-027 (por.), of the Hauiki Road Subdivision for roadway purposes.

- Dedication Deed (***Deferred August 28, 2024 pending the Administration’s briefing to the Planning Committee.***)

2. [C 2024-170](#) Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of Dedication Deeds, from the Association of Apartment Owners (AOAO) of Kūlana, to convey three (3) roadway lots, located at Tax Map Keys (TMKs) Nos. (4) 4-3-011-001 (por.) (Lot 21), (4) 4-3-011-001 (por.) (Lot 22), and (4) 4-3-011-001 (por.) (Lot 23), of the Hauiki Road Subdivision for roadway purposes.

- Dedication Deed (Lot 21)
- Dedication Deed (Lot 22)
- Dedication Deed (Lot 23)

*(Copies of the Dedication Deed (Lot 21), Dedication Deed (Lot 22), Dedication Deed (Lot 23), and all supporting documents on file in the Office of the County Clerk.) (Deferred August 28, 2024 pending the Administration’s briefing to the Planning Committee.)*

H. CLAIM:

1. [C 2024-181](#) Communication (08/22/2024) from the County Clerk, transmitting a claim filed against the County of Kaua’i by Eye Care Center of Kaua’i, for property damage, pursuant to Section 23.06, Charter of the County of Kaua’i.

**I. COMMITTEE REPORTS:****1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:**

- a. **CR-PWVS 2024-08:** on PWVS 2024-07 Communication (08/12/2024) from Committee Chair DeCosta, requesting the presence of the Department of Water Manager & Chief Engineer, to provide an update relating to water infrastructure such as storage and transmission, specifically in connection with current and future housing developments, and how water meter installation costs are determined based on square footage and the number of fixtures per home. **[Received for the Record.]**

**2. PLANNING COMMITTEE:**

- a. **CR-PL 2024-02:** on PL 2024-03 Communication (08/28/2024) from Council Chair Rapozo, requesting the presence of the Planning Director, to provide a briefing on the Kūlana Subdivision, to include but is not limited to its history and foreseeable future County obligations. This briefing is a follow-up to the two (2) items that appeared on the August 28, 2024 Council Meeting agenda in which the Planning Department requested that the Council accept and approve of Dedication Deeds from the Association of Apartment Owners (AOAO) of Kūlana. **[Received for the Record.]**
- b. **CR-PL 2024-03:** on PL 2024-02 Communication (08/08/2024) from Council Chair Rapozo, requesting the presence of the Planning Director, to provide a briefing on the beach access to the area fronting the end portion of 'Anini Road. **[Received for the Record.]**

**3. COMMITTEE OF THE WHOLE:****a. CR-COW 2024-20:** on Bill No. 2925

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Residential Leases of State-Owned Property*) **[Approved.]**

**b. CR-COW 2024-21:** on Bill No. 2927

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED **[Approved.]**

**J. RESOLUTIONS:**

1. [Resolution No. 2024-20](#) – RESOLUTION ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON KŪLANA PLACE, STOP SIGNS ON KŪLANA PLACE AND OLD HAUIKI ROAD, AND A LEFT TURN ONLY LANE ON KA'APUNI ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI

2. [Resolution No. 2024-21](#) – 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 2024-2025

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2919\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, INCLUDING MATTERS PERTAINING TO GUEST HOUSES (*Referred to the Planning Commission on March 27, 2024*)

2. [Proposed Draft Bill \(No. 2933\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, INCLUDING MATTERS PERTAINING TO GUEST HOUSES (*Kaua'i County Council, Applicant*) (*ZA-2024-3 – Planning Commission Recommendation*)

L. BILLS FOR SECOND READING:

1. [Bill No. 2925](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Residential Leases of State-Owned Property*) (*See also CR-COW 2024-20; the Committee of the Whole recommended approval on second and final reading.*)

2. [Bill No. 2927](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED (*See also CR-COW 2024-21; 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.)*

N. ADJOURNMENT.

- O. PUBLIC HEARING: The Council will convene a public hearing on the following item(s) on this meeting date at approximately 8:30 a.m., or soon thereafter, and will convene or reconvene the Council Meeting thereafter. For complete information, including a summary of the item(s), please refer to the official Notice of Public Hearing, which has been published, posted on the bulletin board, filed in the Office of the County Clerk, and is available at <https://www.kauai.gov/Government/Council/Public-Hearing-Notices-Minutes>.
1. [Bill No. 2930](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2024-896, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Additional Costs For Fiscal Year 2023 ACFR – \$70,000.00*)