

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, SEPTEMBER 25, 2019
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. August 14, 2019 Council Meeting
2. August 28, 2019 Public Hearing re: Bill No. 2757

E. CONSENT CALENDAR:

1. [C 2019-209](#) Communication (08/23/2019) from the Director of Finance, transmitting for Council information, the following reports:
 - a. County of Kaua‘i Bond Summary of General Long-Term Debt Roll Forward for Fiscal Year 2019;
 - b. County of Kaua‘i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of June 30, 2019; and Excluded County of Kaua‘i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of June 3, 2019: CFD No. 2008-1 (Kukui‘ula Development Project) Special Tax Bonds, Series 2012, sold April 25, 2012.

2. [C 2019-210](#) Communication (09/12/2019) from Councilmember Chock, transmitting for Council consideration, a Resolution Accepting A Public Access Easement To Kauapea Beach Over And Across Tax Map Key (TMK) (4) 5-2-004-071 As Shown On File Plan 1554 Recorded With The Bureau Of Conveyances On April 26, 1978. *(See Resolution No. 2019-50)*

F. COMMUNICATIONS:

1. [C 2019-211](#) Communication (08/22/2019) 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 (ARU). (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-2); Meeting Minutes from the August 13, 2019 Planning Commission Meeting; and Director’s Report, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2740) and Proposed Draft Bill (No. 2759)**)

2. [C 2019-212](#) Communication (08/28/2019) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s action to receive for the record and provide no comments relating to policies involving Additional Rental Units (ARUs). (**See Proposed Draft Bill (No. 2742), Proposed Draft Bill (No. 2743), and Proposed Draft Bill (No. 2744)**)

3. [C 2019-213](#) Communication (08/29/2019) from the Director of Finance, requesting Council approval to dispose of the following government records, pursuant to Hawai‘i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:
 - Closed Contracts and related work folders (various Departments/Agencies) (*List of Closed Contracts and related work folders for various Departments/Agencies on file in the Office of the County Clerk.*)

4. [C 2019-214](#) Communication (09/13/2019) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend Chapter 11A, Kaua‘i County Code 1987, as amended, Relating to Environmental Impact Assessment on Land Development. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2019-7) and Director’s Report, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2741)**)

5. [C 2019-215](#) Communication (09/13/2019) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend Chapter 10, Kaua‘i County Code 1987, as amended, Relating to the Līhu‘e Town Core Urban Design District. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2019-8) and Director’s Report, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2745)**)

G. LEGAL DOCUMENT:

1. [C 2019-216](#) Communication (08/27/2019) from the Mayor, recommending Council approval of a Dedication Deed by Kaua'i Habitat for Humanity, Inc., conveying to the County of Kaua'i Lot 109, located at 'Ele'ele, Kōloa, Hawai'i, Tax Map Key (TMK) (4) 2-1-001-052 (por.), for roadway purposes.
 - Dedication Deed

H. CLAIM:

1. [C 2019-217](#) Communication (09/04/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kevin Johnson, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. RESOLUTION:

1. [Resolution No. 2019-50](#) – RESOLUTION ACCEPTING A PUBLIC ACCESS EASEMENT TO KAUAPEA BEACH OVER AND ACROSS TAX MAP KEY (TMK) (4) 5-2-004-071 AS SHOWN ON FILE PLAN 1554 RECORDED WITH THE BUREAU OF CONVEYANCES ON APRIL 26, 1978

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2740\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS
2. [Proposed Draft Bill \(No. 2741\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 11A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ENVIRONMENTAL IMPACT ASSESSMENT ON LAND DEVELOPMENT
3. [Proposed Draft Bill \(No. 2742\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 9, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING DEVELOPMENT FUND
4. [Proposed Draft Bill \(No. 2743\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 25, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO WASTEWATER TREATMENT CAPACITY ASSESSMENT

5. [Proposed Draft Bill \(No. 2744\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING PERMIT FEES

6. [Proposed Draft Bill \(No. 2745\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU'E TOWN CORE URBAN DESIGN DISTRICT

7. [Proposed Draft Bill \(No. 2759\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS (*Additional Rental Units—Planning Commission Recommendation*)

K. 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-1006 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the Kekaha Landfill operations and the obligations, remedies, and disputations concerning the Waste Management of Hawai'i, Inc. contract and for settlement authority. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and liabilities of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.

M. 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.