The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, October 20, 2021 at 8:48 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kualiʻi
Honorable Arryl Kaneshiro

Council Chair Kaneshiro: Good morning. Today's meeting will be conducted pursuant to Governor Ige's COVID-19 Delta Response Emergency Proclamation with the most recent relating to the Sunshine Law dated October 1, 2021. Please note that we have registered speakers for some of our agenda items this morning. I will read the agenda and take public testimony. Staff will appropriately incorporate the testimony into the record. After public testimony, we will proceed with our Council Meeting, followed by our Committee Meetings, and conclude with our Executive Session.

APPROVAL OF AGENDA.

Councilmember Kualiʻi moved for approval of the agenda, as circulated, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the agenda, as circulated, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

MINUTES of the following meeting of the Council:

October 6, 2021 Council Meeting
Councilmember Kuali‘i moved to approve the Minutes, as circulated, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or is there any discussion on this item from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve the Minutes, as circulated, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next up is an interview with Beverly Gotelli for the Civil Service Commission.

INTERVIEW:

CIVIL SERVICE COMMISSION:

Beverly Ann Gotelli – Term ending 12/31/2023

ELLEN CHING, Boards & Commissions Administrator (via remote technology): Good morning, Chair and Members of the Council. Ellen Ching, Boards & Commissions Administrator. I am pleased to introduce Beverly Gotelli. After a long career in education and as a member of the inaugural team at Chiefess Kamakaheleli Middle School, Beverly retired in 2007. Beverly was born and raised on O‘ahu and is a proud graduate of Wallace Rider Farrington High School, more commonly known as Farrington, and earned her teaching degree from Chaminade University of Honolulu. Most of her adult life was spent on Maui, until she moved to Kaua‘i in 2000. She moved closer to her mom, who grew up in Kealial Camp. Initially, as an educational assistant, she was a member of the Hawai‘i Government Employees Association (HGEA). During this time, she realized that she needed to learn more about her rights as an employee. In doing so, she became involved with HGEA, ultimately becoming a steward representing Maui County and subsequently was elected to a seat on the HGEA Board. Beverly was also a dynamic member of the Political Action Committee. She enjoyed meeting people, including legislators, and building relationships. She was especially interested in seeing how an idea becomes a law. When she became a teacher, she continued her pursuits in the Hawai‘i State Teachers Association (HSTA). Additionally, she was a member of the Kaua‘i Island Labor Alliance, which brings union members leadership and private employers together to discuss issues. In her retirement, Beverly remains active in the Retired and Senior Volunteer Program (RSVP) and on the Policy Advisory Board for Elderly Affairs. Currently, she also serves as the State HSTA retired president on behalf of six thousand one hundred fifty-three (6,153) members. With whatever free time she has, she enjoys yardwork and sewing. I am grateful for her willingness to volunteer. We look forward to her knowledge, time, talent, and her contributions to the Civil Service Commission. Thank you.

Council Chair Kaneshiro: Thank you. Beverly, is there anything you want to add to that?
BEVERLY ANN GOTEILLI (via remote technology): I would like to thank Ellen for that nice introduction. Good morning, Chair and Members of the Council, many of you I have met informally or formally. I have always felt that I wanted to give back to the County in some way. Like Ellen said, I moved here in 2000 and after retirement, I asked myself, what can I do for the County? How can I help in some way? My tenure as President of HSTA retired will be ending on my own will, which I think is a good time. This opportunity came that I could help the County in some way; I hope I can be an asset to the County in serving on the commission. It is a learning curve for me, but I think as being a former State employee and being with HGEA and HSTA, it has shown me two (2) sides—the rights and responsibilities of both the employee and the employer. Thank you very much.

Council Chair Kaneshiro: Thank you. Are there any questions from the Members for Beverly? If not, is there any final discussion? Councilmember Kuali'i.

Councilmember Kuali'i: Beverly, I just wanted to say mahalo nui loa for your continued service. I enjoy working with you on the advisory group for Elderly Affairs and I really appreciate your energy and enthusiasm. I look forward to your additional service on this new commission. Thank you.

Ms. Goteilli: Mahalo.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to echo Councilmember Kuali'i. Beverly, it has been a delight to work with you in a number of different environments. I want to honor your competence and good organizational skills. I think you are a little bit humble in saying you do not know that much, but you are willing to learn. I definitely see that you are willing to learn. I definitely see that you are incredibly capable. In RSVP, in the advisory group with Elderly Affairs, and in the wealth of different environments that I have interacted with you; any day you are in is a better one. I appreciate that you are going to help our County team. You are going to be able to represent the perspective of the staff member, the employee, and I see you have a heart that respects everyone from the strongest type of job responsibility to some of the most important that take care of the rest of us in humble positions, so I appreciate you.

Ms. Goteilli: Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Good morning, Beverly.

Ms. Goteilli: Good morning.

Councilmember Carvalho: What else can I say? Mahalo to you and for all of your hard work, dedication, commitment, and everything you have done. Now, you are stepping to the plate once again. I just want to say thank you and mahalo for all the work that you do. You have been that light out there. I know you and you
have your style, which I like. At the same time, you have that passion for doing what is right and following through on it. *Mahalo* for your *aloha* and I look forward to talking story with you again. Take care.

Ms. Gotelli: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I will just echo what my colleagues have said. Thank you, Beverly. It looks like you cannot get away from public service here, from teacher to HSTA to HGEA, Elderly Affairs, RSVP. I am sure that this will be an easy transition for you. You obviously bring a wealth of knowledge and experience, and will provide a needed public service for both employees of the County and the County itself. Thank you.

Ms. Gotelli: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Beverly. I need to tell you thank you. As a teacher currently right now, thank you for being a mentor to younger teachers. We really look up to you and we need to say thank you for dealing with our children across your decades of being a teacher. I am a big promoter of seeing our local children going through the educational system and becoming leaders in our community. You are that local girl, now as one of our big leaders, so thank you for stepping up to the plate, Beverly.

Ms. Gotelli: Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Beverly, I could not let the opportunity go by without thanking you for your many years of service. Of course, you have my full support for this confirmation. Again, thank you for stepping up to the plate and helping us.

Ms. Gotelli: Thank you.

Council Chair Kaneshiro: Beverly, it has been a pleasure knowing you. I know the Civil Service Commission will be lucky to have you. Thank you for your volunteerism and coming on board. Are there any further discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I just want to say how important the Civil Service Commission is. I listen to their meetings and I think it is really great to have her experience coming in. Sometimes it does not get enough attention from our awareness here, but it is a very important commission. I applaud Ellen Ching for finding and choosing you.
Ms. Gotelli: Thank you. Thank you, Chair.

Council Chair Kaneshiro: The vote on this will be at the next Council Meeting in two (2) weeks. Next up, let us get through the consent calendar, then we will take the Black Pot Beach item.

CONSENT CALENDAR:

C 2021-229 Communication (10/01/2021) from Councilmember Kuali'i, transmitting for Council consideration, a Resolution Repealing Resolution No. 2014-08 And Acknowledging The Necessity To Expedite Permit Processing For Workforce Housing.

C 2021-230 Communication (10/01/2021) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2021-2022, pursuant to Section 17 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2021-2022.

C 2021-231 Communication (10/05/2021) from Andrew S. Michaels, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from July 1, 2021 through September 30, 2021.

C 2021-232 Communication (10/07/2021) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A Crosswalk And A Pedestrian Lane On Kōloa Road, Kōloa District, County of Kaua'i.

Councilmember Kuali'i moved to receive C 2021-229, C 2021-230, C 2021-231, and C 2021-232 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to receive C 2021-229, C 2021-230, C 2021-231, and C 2021-232 for the record, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. First we are going to take C 2021-236, the briefing on the Black Pot Beach Master Plan.

There being no objections, C 2021-236 was taken out of order.

(Councilmember DeCosta was noted as not present.)
COMMUNICATIONS:

C 2021-236 Communication (10/05/2021) from the Director of Parks & Recreation, requesting agenda time for a briefing from HHF Planners (Consultants), on the Black Pot Beach Park Master Plan.

Pursuant to Governor David Y. Ige’s COVID-19 Delta Response Emergency Proclamation dated October 1, 2021, public testimony was taken at the beginning of the day and as follows:

Council Chair Kaneshiro: We will start with Communication 2021-236, Black Pot Beach Park Master Plan. The first testifier is Steve Long.

STEVE LONG (via remote technology): Good morning, this is Steve Long. Can you hear me?

Council Chair Kaneshiro: Yes.

Mr. Long: I am here to testify on the Black Pot canoe hale disposition. I am here to speak on behalf of Nick Beck who is unable to attend for medical reasons. We represent the Hanalei Sailing Canoe Association. Have you received and have you looked at the written proposal that I dropped off yesterday?

Council Chair Kaneshiro: Yes, we received it.

Mr. Long: Okay, thank you. You can see by looking at that presentation that Nick Beck and Bob Kaden have been involved with the Hanalei Civic Canoe Club, Namolokama Canoe Club, and the Hanalei Canoe Club since its founding decades ago. We are an association that is interested in all aspects of Hawaiian culture, paddling, Hawaiian sailing canoes, etc. Nick Beck has been integral in developing and promoting Hawaiian paddling and Hawaiian sailing throughout his lifetime. He was born in Koloa. You can read about Nick Beck, Bob Kaden, and about myself in the presentation. As an Association, we are primarily interested in sharing Hawaiian cultural aspects with the public, teaching it to our children, sharing the ocean, Hawaiian sailing, and paddling with our children and the community.

We have been unable to launch our canoes from Waipā because the shoreline has eroded about forty (40) feet and there is an eight-foot drop-off into the ocean. We have not been able to participate in the sailing canoe programs in the summer. Waipā has cancelled their public festivals in the last year or so.

What our interest is for the old Hanalei Civic Canoe site that Nick Beck and Bob Kaden were integral in the founding. Hobey Beck learned how to paddle from his father at the canoe club, we are interested in a stewardship of that property and that
facility to continue our work of bringing Hawaiian cultural aspects to the community and the public at large. We feel that it is a large enough facility, it is a large property, and there is room for everyone. We would like to consider ourselves as stewards. This is not for one canoe club that is competing over another for the blessing of this building. That is not right. I hate to be like that, but this facility needs a group of mature stewards in the community that can accept all groups for all uses. We as a group are not interested in “us” controlling this facility. However, we feel that because of our involvement in the community over a lifetime, we should have a seat at the table to determine what happens here. Thank you very much.

Council Chair Kaneshiro: Thank you, Steve. Next up is Hobey Beck.

HOBEOY BECK (via remote technology): Aloha, Councilmembers. My name is Hobey Beck, I am here on behalf of Namolokama Canoe Club to request clear and formal inclusion in the Black Pot Master Plan being presented today as item number 4 on the Council agenda. Namolokama Canoe Club is closing in on our twentieth (20th) anniversary. We probably supported many community events. We host the Hanalei Bay swim challenge every year in July and compete on a world stage in canoe paddling. We had our entire existence at Black Pot. We provide a safe and drug-free place for anyone in the community to learn to enjoy and excel in canoe paddling.

Last week, I received a call from a local mother to get ahold of our children ages sixteen (16) to twenty-two (22). I told her our season is wrapping up and children are going back to school or winter activities. She said, “No, I want to get ahold of the children to get them together and teach them about the overdose drug that police and fireman are carrying and Fentanyl-laced pot and cocaine running around in our community.” This was not the call I was expecting. I support her efforts. However, the call I want is for her to ask how does she get her kids into our program. We are working on partnering with statewide canoe teams to fund children to go off-island to race canoes, to train for the world sprints in Hilo in 2022, England in 2024, and to take on the Tahitians in 2026. This why I volunteer at Namolokama Canoe Club.

I leave tomorrow for Eastern Washington to watch my daughter Ella paddle crew for Gonzaga. She had never paddled crew before September. However, she has made the second crew at this Division I sport. She trained canoe paddling as a youth at Hanalei Canoe Club, then Namolokama Canoe Club. Her coaches Dr. Alana Goo Frasier and Kristen Simpson are eight-time Women’s Moloka’i Champions. Fire operator Jody Simpson and Mark Frasier are men’s coaches. These are world class athletes. These men along with Kaua’i County Ocean Safety Bureau’s Tyrus Siale and Councilmember Evslin all helped our program to thrive. My daughter’s goal is to bring back paddlers to train in the canoe. That is also why I volunteer for Namolokama Canoe Club.
Regarding Black Pot, I have been in positive talks to the County since 2016; including the current and previous Mayor, the current and previous Director of Parks, their Staff, and teams. I am a member of the Community Advisory Committee (CAC) for Black Pot Master Plan. I have been at every community public meeting and obtained total support for our canoe club to be in the park. We are shown on every map that is involved through this planning process up until the current presentation last week. This current version is vague at best. This has been very surprising and disheartening for me. Canoe clubs enhance public space by providing good clean activity in a safe space. Our current location at the riverfront provides a safe, vehicle-free zone for children and adults to enjoy this area. It is a buffer from what is happening mauka in the boat yard, and makai in the parking lot. It is also evident in other canoe clubs scattered across the island, county, and state parks. Canoe clubs are good stewards and add value to public space. We discourage bad behavior in our surrounding areas. This would be very difficult to accomplish at Black Pot in our absence. There is no guarantee that we may stay in our current location and the plan shows “open space” should it get acquired. Namolokama is requesting to have space set aside in the mauka park as a relocation place should we lose our current lease. Ideally moving next door to the old canoe hale is preferred as this is guaranteed good river access, existing boundaries, protects the riverfront for families, and provides a buffer for their safety. The area was chosen nearly fifty (50) years ago as a proper spot for a canoe hale. We have offered to fund construction of a new hale or to renovate the existing hale. To further lessen our footprint, we are requesting two (2) bays and a long storage shed in the back of the newly-acquired property. This has been designated as canoe storage in the plan being presented today. Namolokama requests that this continue to be in the plan. The new fencing and improvements to the makai park has made it nearly impossible to transport canoes out of our existing leased property. With the storage area and the longshed, we can cut our building footprint by a third and free up open space, which is required for trailers and equipment. This has all been offered by the County in various discussions. However, it is not reflected in this plan. As your plan is stated in correspondence with me last week, it would be an inaccurate representation of the planning process to omit Namolokama. I look forward to more positive discussions regarding Namolokama’s inclusion and Black Pot Master Plan. I thank the Council for taking time to hear my testimony. Aloha.

Council Chair Kaneshiro: Hobey, we have a clarification question. I might have one, but I believe Councilmember Chock has the exact same question that I was going to ask. Council Vice Chair Chock.

Councilmember Chock: Thank you, Council Chair Kaneshiro. Thank you, Hobey. I want to clarify that you are on the CAC planning process for this plan.

Mr. Beck: Yes.
Councilmember Chock: What I heard you say was up until the final hour, all indicators showed that Namolokama was destined to have a place in this plan for a permanent home site. Is that correct?

Mr. Beck: Yes. Every plan showed either structures or relocation of existing structures or alluded to canoe storage in the back shed.

Councilmember Chock: Okay, thank you.

Council Chair Kaneshiro: That was the question I was going to ask. Councilmember DeCosta.

Councilmember DeCosta: I have a question. Thank you, Mr. Beck. Somewhere along the line of planning, you mentioned having access to the two (2) bays in the back, but that verbiage is not included in the current plan. Am I correct or is it very vague?

Mr. Beck: It is vague. I think the map shows a printing saying, “canoe storage.” The printing is off the County property, and it is pointing at the long storage shed. In the notes it says, “Namolokama should work with the County to acquire a lease.” That puts us back to 2016 where we started. It is not clear or inclusive in the plan and/or reflects the community support or overwhelming support of being in the park.

Councilmember DeCosta: I understand that. Thank you for clearing that up. What about hauling the canoes from the bay to the riverfront. Is it a long carry and is it possible or impossible for you folks to do this?

Mr. Beck: I do not think anything is impossible. When I was talking to Maka’ala last week, we were talking about river access, and she brought up dredging. That has been a “bad word” since the early ’70s. If there was a possibility of dredging the river and canal, which I do not think is possible, there could be river access right now. When it is low tide, there is six (6) inches of mud, and the river access is not good. There is a reason why the canoe hale is built where it is in front of the park. That area has the best river access, it is a gradual incline, and it was chosen for a reason. To be placed back in the storage shed area, to me, does not put canoe paddling as a priority. It would take quite a bit of work for us to get our canoes out of the storage shed; it would take a big area to turn them or whatnot. You would have to either dredge the river or have a pier system to launch the canoes into the river. To me, it would be very difficult. I do not think anything is impossible. The word “dredging” in Hanalei shows me that it is impossible.

Councilmember DeCosta: Thank you.
Mr. Beck: Thank you.

Council Chair Kaneshiro: Are there any further clarifying questions?

Councilmember Evslin:

Councilmember Evslin: Hobey, I have a follow-up to Councilmember DeCosta’s question. Your folks’ hope would be to have storage in the bay, but the actual hālau would be in the old hālau or adjacent to the old Hanalei Canoe Club hālau.

Mr. Beck: Yes, that is correct. When I was talking to Maka’ala, she was worried about our footprint being large. I must admit most of our footprint is storage of racing canoes and canoe trailers that do not necessarily need to occupy space in the middle of the park. I think seven (7) bays in that storage shed is ample room for storage of equipment. Recently, I knew that the Department of Parks & Recreation tried to claim most of the bays. They want it for their equipment, so it makes it more difficult for us being back there. Yes, if we could have storage in the back, we can lessen our footprint in the front of the park. Our goal is to be in front of the park either in the old canoe hale or in a building built in its image.

Councilmember Evslin: Perfect, thank you.

Mr. Beck:

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Your Canoe Club has several carpenters and contractors. Are you suggesting that you would rebuild the building?

Mr. Beck: We suggested in letters to the previous and current Mayor, Director of Parks & Recreation, et cetera, that we would fund improvements. We would either fund improvements to the existing hale to get it up to code, or to build a new hale at our own cost and sign a stewardship agreement to take care of the surrounding properties.

Councilmember Cowden: Thank you.

Mr. Beck:

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Good morning, Hobey. Mahalo for being present, there is a lot of discussion for this area. I have a question on keeping this hālau there whether the intent is for it to be exclusive use only. From my recollection
it would be use of the hale and opportunities for the general public to be able to utilize a portion of it to enjoy the Black Pot Beach Park area. I think that was one of the bigger questions at that time. At one point it was exclusive use versus organized scheduled use. At the same time, the storage area would be exclusive where you can keep your personal canoe items. I wanted to clarify if the hale area was talked about that way?

Mr. Beck:

The back storage area is simple. I would think that would have to be locked up and exclusive use for storage of equipment. I think the County would do the same thing for their bays that are used for housing lawn mowers, equipment, et cetera. I do not think it would be open and for the general public being able to walk through the storage area. Regarding the canoe hale, I would have to see what users are presenting themselves to want to be a part of that, and if there is precedence set anywhere else on any other islands where canoe hale are sharing space with the general public. I would certainly be open to it. I have not seen that happening anywhere. Typically, canoe hale are open for get-togethers, parties, et cetera. Most people in the community are organized with the canoe club, which is why it usually takes place. I would be open to it, but not knowing who those people are, or what they are requesting, I cannot give a proper answer, but we would be certainly open to it and have been in the past. People have used our canoe hale for graduation parties, baby lūʻau, birthday parties, celebrations of life, et cetera.

Councilmember Carvalho:

I wanted to clarify that, because there was a question on exclusive use. The whole intent of Black Pot Beach and the renovation was to offer more opportunities for the community and families to enjoy. The intent was not to exclusively cut it off. It was, "Yes, you can have this space, but you can also utilize this space for the general public during certain times and through a permitting process...and to have a place to secure your canoes, et cetera." I wanted to clarify that.

Mr. Beck:

To elaborate on that point. In my opinion, if you have a pavilion in that area for the general public to hold parties, et cetera, without any presence of the canoe club, I think you would be recreating the Hanalei Pavilion on steroids. I think you would have homeless and drug users in there. You would need to hire a full-time sheriff to police that area. I would hate to think what the park would look like. There is a big push for the community to have a place for parties because they feel that they cannot use the pavilion, because it is overrun by homeless. To move that problem down to Black Pot would be a disservice to the park and the community. Of course, I am biased, but I think that the Canoe Club guarantees that would be a success.

Councilmember Carvalho:

Again, I wanted to clarify that you folks are totally open to this opportunity to have dual or additional use at that place, right?
Mr. Beck: Yes.

Council Chair Kaneshiro: Councilmember DeCosta, followed by Councilmember Cowden.

Councilmember DeCosta: Mr. Beck. I need to piggyback on Councilmember Carvalho's question as he brought up a very good point. This is a community park. Stewardship by you folks...by all means, I was a canoe paddler for Waimea throughout high school, and I think the canoe community is great in every river estuary. What worries me a little bit is when I heard you speak, you used the word "I," and you said you would have to look into who would want to use the community hale if you folks were open to having a community hale that would be open for baby lū'au or parties as long as the Canoe Club was informed. We want to make sure that Black Pot Beach is for everyone to enjoy. Maybe the word "we" would be a better word when you speak about stewardship. I think that Councilmember Carvalho is on to something. If we make a new hale, and you are the stewards, I do not think that you should have the exclusive say on who uses the building. I think we should have a permit process. We need to ensure everyone in our community is looked after. That is just my mana'o. Thank you.

Mr. Beck: Sure, I agree with that.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, Hobey. I have been part of the Hanalei Canoe Club, and I share the opinion that we need the canoe hale there. When we look at this area, we replaced the pier and the Hanalei Bridge in the likeness of the historic piece, it might be a little bigger and better. We have the bays. I spoke with you and there are several canoe clubs that have interest, including that of your father and the sailing canoe. We heard from Steve Long and his piece. If we use those bays to support various canoe private ocean pieces, maybe they can collaboratively steward. We will see. Thank you. How do you feel about that? It is a tight group, but if there is sharing amongst other groups...as Councilmember DeCosta said, there is more of a "we" than an "I."

Mr. Beck: Definitely. Yes, there would be more of a we, than an I, that would serve the community in a greater aspect and go along with managing the park. I consider us a community...we are. We are a community nonprofit. We are here for the community. We are focused on canoe paddling and all of our members use our hale for various life celebrations. It is hard for me to answer that. I do not know if you are alluding to giving a fixed spaced for a cultural craft area. It is hard for me to wrap myself around what you are asking and if you are asking for an open space that we co-manage. If so, I am totally for that, and it has always been that way in the past, and I would support that in the future as a "we."
Councilmember Cowden: I want to bring up Niumalu Canoe Club. Niumalu Canoe Club is now at Kalapaki. Multiple times I have been to events in that building. It is clearly Niumalu Canoe Club’s building, but I have never been there for a Niumalu Canoe Club event. It stewards that building, but it functions broader.

Mr. Beck: That sounds like a successful partnership between the County and the canoe club. I think that we can follow those guidelines.

Council Chair Kaneshiro: Are there any further clarifying questions? If not, thank you Hobey. Next up, we have Kamealoha Smith.

KAMEALOHA HANOHANO PA-SMITH (via remote technology): This is regarding Black Pot Beach. Just to clarify, my legal name is Kamealoha Hanohano Pa-Smith. For a long time I went by Kamealoha Smith, because it was convenient. I am having issues, so I need go back to using my longer legal name, which is Kamealoha Hanohano Pa-Smith. Mahalo for giving me the opportunity to provide testimony today with regards to Black Pot Beach Master Plan. Today, I come before you as a Aloha ‘Aina practitioner, I am kanaka maoli, I am Native Hawaiian, and I also work for a nonprofit in the area called the Hanalei River Heritage Foundation. My background is in second language study. I have an advanced degree in second language studies and a degree in education with the focus of indigenous curriculum development and instruction. I am a licensed teacher for grades K-12 in the State of Hawai‘i. My family are lineal descendants from Hanalei and the larger Halelea and Nā Pali area. I reviewed the master plan and I felt that there was a lot of historically important and culturally relevant information that was missing from the plan. Although we have projects that we should be doing at the Black Pot area or Opukahi, which is one of the traditional names used for the area, due to the landslide and repairs that have been going on, most of the work that we have been doing down there has been limited to the hau‘u bush and the streambank restoration project. Regarding the actual process, I am trying to be careful with what I say because I do not want to criticize the process per se, but I think that it was a difficult process to participate in. I think it was difficult because in the Hawaiian community we are trying to restore, reestablish, update our cultural practices, language, etc. Everything that we do that would come for some people it is new. For the consultants, the whole issue of putting information or verbiage in there that is reference to traditional knowledge specific to fishing, planting, and hula practices, it was a difficult thing for me to do. I do not think that there was any time where we had an opportunity to speak about that issue. I think that none of that is included in the master plan; although, I was hoping that it would be. At what point in the process do you bring up something as important as that? I do not know. It has been difficult to try to speak to someone to include that component as an integral part as far as the park’s use is concerned. As we continue to speak about island sustainability, it is important for me and for everyone to know that Hanalei, Anahola, and Hule‘ia are
muliwai or estuary areas. These three (3) areas are the most significant scientific places that scientists study because of the relationship between the ocean water, river water, and the brackish water and what that means for fishing and fishing practices. It is amazing how much information is there and what scientists have looked to specifically these three (3) areas to gather information about specific types of fish that can be related to sustainability. Most of the work that I do in the muliwai area in Hanalei is related to that. Our nonprofit organization has stewardship agreements with Hawai‘i Department of Land and Natural Resources (DLNR) and other State organizations. We are trying to pursue something with the County to have presence at Opukahi or Black Pot Beach, but I do not know where things are right now. I hear a lot of stuff and the situation is kind of awkward because it is not in the actual plan where it recognizes traditional practices. I, Councilmember Chock, and other people are engaged in this process of trying to reestablish traditional knowledge and practices. For me, what that means by doing this type of work is the research, the study, the development, and the curriculum. Alongside other practitioners, we develop curriculum, and have written children’s books about these areas and other educational materials for our school system. We are contributing to research related to what can Native and Indigenous people contribute to world global problems such as climate change, global warming, and other climate threats. To me, Hanalei is that specific area and is one of the premier sites on island and in Hawai‘i that we can study and learn about.

Council Chair Kaneshiro: Kamealoha, you have thirty (30) seconds left.

Mr. Hanohano Pa-Smith: Okay. I wanted to also say that we received the Office of Hawaiian Affairs (OHA) grant, and we have a relationship with the U.S. Fish & Wildlife Service, and the U.S. Department of Interior to do research on specific fish. We also have partnerships with people in the international community as well. There are hundreds of science articles and over two hundred (200) articles written in the Hawaiian Language Newspaper about the muliwai. Today, I hope that we can make headway and get a stewardship agreement.

Council Chair Kaneshiro: Kamealoha, your six (6) minutes is up. I am sorry.

Mr. Hanohano Pa-Smith: Yes, it is okay.

Council Chair Kaneshiro: Thank you for your testimony. Are there any clarifying questions? Councilmember DeCosta.

Councilmember DeCosta: Hi, Kamealoha. Thank you for all of your mana‘o; you are a very intelligent man. My clarifying question to you is, I noticed you did not mention “canoe paddling,” but, you mentioned hula, fishing, planting, and cultivating. Would some of those activities that you folks want to do with your
nonprofit, could that take place in the shared hāle? If we decided to do a community hāle, would you need a space in that canoe hāle to do those things or can you do it in the open space at the park.

Mr. Hanohano Pa-Smith: We need a place. I conduct a lot of workshops on the beach, so I am used to being in the open space. I am used to working on public lands and I do not have a problem with it. What gets difficult is when I need to haul everything from my hāle to different places. We do not have much of a footprint, but there are things that we bring with us: some of our display items when we talk about fishing or other practices, things that we use as educational tools in class or in the workshops that we do. It is always nice to have a place where you can meet people. When we do outreach, it would be nice to have a place where we can call “home.” Even if it is a shared space with others in one area, that would be fine. We do not need much. For me, it is about the recognition about things that we are doing and having someplace in the plan so that people know that there is an effort being made on the County’s part to open access to those who do aloha ʻāina practices.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a couple of clarifying questions. When you are talking about fishing, there is a boat ramp and a boat launch. I know you are down there all the time. What do you think of the concrete boat ramp design relative to fishing? Does that seem like it is necessary or helpful, what is your manaʻo on the fishing piece?

Mr. Hanohano Pa-Smith: That is a really good question. I personally do not know enough about that issue. In general, for the fishermen that I spoke to, it seems that they would like the ramp. In terms of impacts on the work that we are doing, we have to nālu, we have to change our ways of doing things based on whatever is given to us. If they are going to build something that is part of the plan, they are just going to build it. We are there basically to study whatever the situation is and use that information to develop curriculum and contribute to science research.

Councilmember Cowden: Thank you. Would the availability of a bay to your organization assist your effort for education of traditional practices? You said that it is hard to bring all your stuff down. If you had a bay, would that work?

Mr. Hanohano Pa-Smith: Yes. Any consideration for space would be really appreciated. It is not about the program; it really is about our tradition. Thousands of years...in 2021, we got an opportunity to share this information with U.S. Fish & Wildlife Service, U.S. Department of the Interior, Office of Native Hawaiian Relations, and the Office of Insular Affairs, which is connecting our work
with other Pacific Island Nations, to be able to be in a position to share our knowledge from Kaua‘i and Hawai‘i with other Pacific Island Nations, I think it is huge. To me, it seems weird and out of place that we do not have a ‘place.’ This is one of the most historically significant places. I will accept whatever you folks give me. I feel that since we are making such an effort to do this...

Councilmember Cowden: Forgive me. I was not saying “no space.” I am saying do you need a bay. The last group that we were talking to, they need a bay. What I would like to see is a pavilion that is a canoe hale and other smaller learning places to host a big event. I am looking for ways that we can all share.

Mr. Hanohano Pa-Smith: I think a space like that would be important. I am sorry for getting so emotional. I suspect that the work we are doing and others are doing at Hulē‘ia and Anahola, the type of information that people are collecting, the amount of curriculum development that is going on, and the contributions we are able to make in science as indigenous people is significant. It is certainly different than what has been happening up until now. Space would be the recognition that this type of work is important, yes.

Councilmember Cowden: Thank you for the work that you do and thank you for the work of flood mitigation that is underway for the banks that your organization is doing just around the corner.

Mr. Hanohano Pa-Smith: Thank you very much.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Aloha. Kamealoha, mahalo for all that you do. I had one clarification regarding space. I think for all the work that you do and a lot of the work that is done within the Hanalei area, there is so much aloha when it comes to doing the right thing. I wanted to clarify that the space we are talking about and if it is available, it is not exclusive space, you are open to shared space. I heard you say that, correct?

Mr. Hanohano Pa-Smith: Yes. I think that is the way to go. I do not want to be the only person. Sharing is very important and it is an aspect of Hawaiian culture that is important, ka‘ana like, to share. To me, sharing would be the best thing. It would build a lot of comradery and a lot of aloha between the different organizations. I think the process in the past three (3) years...with a lot of the repairs from the landslide, I think it has done a lot to separate people. If there is a plan to bring people together, that would be the best.

Councilmember Carvalho: Okay, mahalo for that, thank you.
Council Chair Kaneshiro: Are there any further clarification questions from the Members? If not, our next testifier is Michael Sheehan.

MICHAEL SHEEHAN (via remote technology): Sorry, I was muted. It is probably a good thing from time-to-time. To encapsulate all of the history of that area in six (6) minutes will be a chore, but it will be worthwhile. For your information, as I shared with Councilmembers Carvalho and Cowden, the site of the old canoe club is the original site of the first Catholic Church in 1864 at that present location. That is one of the reasons that my brother-in-law, Gaylord Wilcox, and I agreed in 1969 or 1970, encouraged Blakely Conant, who was President of the Hanalei Canoe Club, to ask the Trust that owned all of that property there to provide an area for canoe clubs, but also for a community center. Within those grounds, there is a graveyard and cemetery that the planners are not aware of. That is one of the reasons why there is such a strong community attachment for that area. I think that needs to be continued. I will work very strongly to keep that structure as it is, because I do not think you want to start digging around there for various reasons. That restroom complex is certified by the Department of Health, Environmental Protection Agency (EPA), and everyone else to accommodate one thousand four hundred forty-one (1,441) people per day. The septic system is doubly redundant and it happens to be in a unique location. It has survived numerous floods, tsunamis, and everything under the sun. I think people recognize that that location and that structure needs to stay where it is and the community needs to be able to utilize all of those facilities. Kamealoha forgot to mention that his foundation also has two (2) double-hulled sailing canoes to be used for education. Unfortunately, they were damaged in the flooding. Councilmember DeCosta asked about canoes, yes, they have canoes as well, so the foundation has an interest in canoes and canoeing for the youth. Some of you may know that I started Hale ‘Opio with Bill Cashion over forty (40) years ago to take children from destructive home environments. I am fully supportive of everything that Hobey Beck and everyone else is suggesting.

The back building still belongs to me. I intend to donate it to the County based on working out some sort of arrangement. The State Department of Transportation, Harbors Division, DLNR’s Division of Boating and Ocean Recreation offered two million dollars ($2,000,000) towards the purchase of that property so that they could have a place over there. I think whoever is planning this Master Plan needs to be rethinking based on the historical significance and the history of all of those structures. That structure, the old canoe hale, qualifies for inclusion on the Hawaii Register of Historic Places and should be, as well as the National Register of Historic Places, as it should be, because it is in excess of fifty (50) years of age plus it is on a site of a previously existing church, the church that was dedicated to Saint Maxime. It has all sorts of mana that attaches to the area. That is why when people walk around there, they are...well, I get “chicken skin” when I think about it. I want to caution, suggest, or advise you all to sit down and tell me who I need to be talking to, to figure out how I am going to donate that back maintenance building to the County.
I do not want any money for it. The acquisition was only for the land. I have letters and correspondence from former Council Chair Mel Rapozo to that effect as to the discussions that went on prior to some of you being on the Council there. I want to work cooperatively, of course, with the County, the community, and I am concerned about drugs in the community. We need to upgrade that old canoe hale to make it the community center. When we owned it, it was always open to weddings, funerals, graduation parties, birthdays, et cetera. I remember Cathy Ham Young coming in and we had a memorial service there for Clarence Souza, a wonderful man. She got liquor license permits from the County for those kinds of things. There is a lot of history there and an incredible community is there. I encourage you, when you speak to your planners, to have them start from the river mouth. The County has a legal obligation under Hawai’i Revised Statutes (HRS) 46-11.5 to maintain that regularly, which it has not done for at least forty (40) years. That is the piko and that is the plug. That is the reason why the flooding begins. On top of that, up at the top of Hanalei Valley...

Council Chair Kaneshiro: Mike, you have thirty (30) seconds left.

Mr. Sheehan: Okay. Thank you, sir. Anyway, there is a puka at the top of Hanalei Valley. I do not know how many millions of gallons runs daily over into Līhu’e. That thing needs to be plugged and the water needs to come back down to Hanalei Valley, back down the Hanalei River, and out the river mouth. We have to eliminate Mr. Mowry’s illegal berm and the United States Fish & Wildlife Service’s unpermitted water diversions. The wetland does not work. We have some work to do besides just down there at Black Pot Beach Park. Black Pot Beach Park is conditioned upon lots of other things. Mahalo to you all for the good work you are doing.

Council Chair Kaneshiro: Okay, thank you, Mike. We have some clarifying questions. Councilmember DeCosta.

Councilmember DeCosta: Good morning, Mr. Sheehan. For the record, people do not know that you and I are friends.

Mr. Sheehan: Good morning, Councilmember DeCosta. That is for sure. I saved your dogs a couple of times in Kōke'e.

Councilmember DeCosta: You were mad at me when my dogs went to your cabin, because I was hunting in that area.

Mr. Sheehan: I was not mad at all.

Councilmember DeCosta: I am new at this. I am the newest Councilmember and the newest into government. I know nothing. I want to get
educated. You mentioned that we bought the land from you, and you still own buildings on our County land? Is that what you are saying? You still own the two (2) bays that are on County land. You did not mention the canoe hale that you still own. Do you own all three (3)? The bays and the hale?

Mr. Sheehan: What we have to do is I need to come and chat with you folks if you want. I can request time two (2) weeks in advance and bring some documents to show you some things. I donated the canoe hale and the restroom complex to the Hanalei River Heritage Foundation prior to its acquisition by the County. Now, there is some discussion there because Judge Kathleen Watanabe made an Order that was not reflecting the actual realities of the situation. She refused to let me testify at the condemnation of that property, which is highly irregular. I donated the property to the Hanalei River Heritage Foundation, including the building and the restroom complex. Technically, yes, no, maybe so. I do not know. If there is a way we can resolve this without going to court, that would be a good thing. The County, under former Mayor Carvalho, through Wally Rezentes, Jr., offered me, twice, which has been recorded in different ways, that offer, yet the County came in with a purchase acquisition price of half of what we agreed to and what I signed a purchase agreement with Wally Rezentes, Jr. for. Up to this time, I have been very calm and cool. We had to go back to court to get another million dollars. I am sorry the taxpayers had to pay so much money. They actually should have paid more based on the assessed value that the County was charging me. I think we should separate it into two (2) sections, the old canoe hale and the restrooms. If the County is willing to somehow come to a community operating agreement that benefits the entire community, that is good. We can let that thing rest, I think. As to the back building, the Department of Transportation Harbors Division and DLNR would like to have two (2) bays so that they could have a presence there. The County Department of Parks & Recreation could probably have two (2) bays. There is plenty of room back there if it is thoughtfully planned for all of the community uses, including government uses. What I would like to do though, in the next couple of weeks is meet with somebody and arrange a donation of the improvements. It is not just the building, Councilmember DeCosta, there is an incredible drainage complex. That building is one hundred fifty-five (155) feet. It drains eighteen (18) inches from the right-hand mauka corner, Princeville corner, to the makai corner towards Hanalei Town. There is an incredible septic complex under there. That thing is built to withstand tsunamis, floods, and everything. It is an incredible structure that really needs to be thoughtfully utilized and understood what its potentials are. There are also buildings on the side that are steel...office buildings that survived, if the County wants them, I would be happy to donate them or to be used for community office space like what Kamealoha is trying to do or...steel buildings could be given to the canoe clubs and they could share it also. I am happy and looking forward to working with the County on this Black Pot Beach Park. I think the basic facts you need to understand is that the old canoe hale sits on a church ground with a burial ground surrounding it.
Council Chair Kaneshiro: Mike, I think we got the answer on that one.

Mr. Sheehan: I am sorry, I did not hear that.

Council Chair Kaneshiro: We got the answer on that one.

Mr. Sheehan: Okay.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Okay, I have a clarifying question. Let me start by extending gratitude to your whole family for many decades of a community private park. I will acknowledge that I was a beneficiary in many, many ways participating in that generosity even within the last ten (10) years. Even through the very end, my family benefitted. My question is about the boat ramp and the flooding. I know you put in the boat ramp and I am not sure if we are totally creating a different one, but I am concerned about the way the water moves over the property. When you look at the new Plan, does that feel like it is solidly done based on your experience of how deeply it floods in that area?

Mr. Sheehan: I think the Plan is going to be continually subject to flooding. You have not done anything to resolve the flooding. Part of the problem is the puka up at the top of Hanalei Valley, make that water continually flow down during the year, taking the sediment out through the continually reopened river mouth. Hanalei River Mouth is the only one that is not routinely maintained, I think in the State of Hawaii.

Councilmember Cowden: Okay, I get that. How about scouring around the concrete or does it seem that it is a good choice? I know you are deeply familiar with that piece of property. Is it a sound plan to have that layer of concrete there and where the boat ramp is?

Mr. Sheehan: Putting concrete in the face of Mother Nature’s water is not going to work.

Councilmember Cowden: Okay.

Mr. Sheehan: It does not work anywhere in the State of Hawaii or in the Pacific. You cannot put what you think is an immovable object in the face of Mother Nature. When that water comes down from mauka to makai, you need to let it get out. That is the problem. We are plugging it up. The river mouth is not regularly maintained. Mr. Mowry has a three thousand foot (3,000’) long berm directly perpendicular to the flood waters, which causes the water to flow around. The wetlands do not work. Nobody is paying attention. Doug Haigh is an expert in
flood control. Why is he not at the table here? That is the problem. We have all these experts and all this information, but somehow it is not coalescing. That river mouth needs to be maintained as a start. In front of the old canoe hale there, a beautiful white sand beach with a natural drop will come up. We used to launch twenty-two (22) zodiacs at one time in front of there. You do not need to put cement there. You just need to be practical, I think. You just need to reaffirm what we have there naturally.

Councilmember Cowden: Thank you.

Mr. Sheehan: Thank you for the question.

Council Chair Kaneshiro: Are there any further clarifying questions on Mike’s testimony. If not, thank you, Mike.

Mr. Sheehan: Thank you all for your hard work. I appreciate it. Mahalo.

Council Chair Kaneshiro: That concludes the testimony for Communication C 2021-236 for Black Pot Beach Park.

There being no additional public testimony, the meeting proceeded as follows:

Councilmember Kuali’i moved to receive C 2021-236 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: There was public testimony on this item earlier this morning. I know there is a presentation on this item. I will leave it to Pat or whoever is doing the presentation.

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation (via remote technology): Good morning, we can turn it over to Scott and he can facilitate that presentation and we can get started.

SCOTT EZER (via remote technology): Thank you, Patrick. Good morning, Members of the Council. My name is Scott Ezer. I am the Principal at HHF Planners. Before we get into the formal presentation, most of you probably do not know me or heard of me and may be a little curious about who I am and how I came to work on this project. I think you are owed that background and I will just give you a brief biography. I moved to Hawai‘i in 1961.

(Councilmember DeCosta was noted as present.)

Mr. Ezer: My dad took a teaching position at the University of Hawai‘i. Later in my adult life, I worked for parts of seven (7) years for
the City & County of Honolulu as a lifeguard. Most of that time was spent working at Sandy and Makapu’u Beach Parks. I got my Master’s Degree from the University of Hawai‘i in Urban and Regional Planning. I have been practicing professionally as a Planner in Hawai‘i since 1978. I started my career with the City & County of Honolulu Planning Department and worked there for twelve (12) years and have been in the private sector since 1989, all with the same firm. The last twenty (20) years I have been a principal at the firm. The person who I have been working with in our firm on this project is Corlyn Orr. Corlyn has been with our firm for about twenty (20) years. She was born and raised in Hawai‘i. Both of us have spent our entire adult lives in and around the ocean, paddling, surfing, body surfing, and swimming. We are very aware of how important being close to the ocean is and what an important resource a beach park is to the community that is located adjacent to that park. Certainly, Black Pot Beach Park is the heart and soul of Hanalei. Finally, I would like to recognize the support that we received from both the previous Administration, led by now-Councilmember Carvalho, who was helpful, along with his Parks Director Lenny Rapozo attending meetings and just being there, we really appreciated his presence. We also have a lot of support from the current Administration from Mayor Derek S.K. Kawakami down to Director Porter and Deputy Director Rezentes. This project would not have happened without their support and certainly without the support of the Council. This is a very important project for the County and it is also an important project for the community. So with that as a backdrop, I know you are keenly interested in the process. We have a fairly short presentation to take you through the project and when we are pau, we are certainly available for answering questions.

This first slide gives you an aerial look at the extent of the current boundaries of Black Pot Beach Park. What you see outlined in the black dashed line is the boundaries of the park. The area in the middle of the park in crosshatching...thank you, Corlyn, good...that area is privately owned and that is the current location of Namolokama Canoe Club. Immediately to the right of the Namolokama Canoe Club is the existing building that was used by the Hanalei Canoe Club as their clubhouse. Recently, around the time of the flood, the area on the mauka side of the park and up to the property line where the longshed is, which has been the subject of a lot of conversation in the hearing so far this morning. That land was recently acquired by the County and expanded the total land area up to about thirteen (13) acres from about two and a half (2 ½) acres previous to a number of different acquisitions for the park. Next slide, please.

Throughout the process we had some overarching objectives and goals. We wanted to improve management and protection of the resource. We wanted to ensure investments for park expansion and new facilities would be strategic and cost effective. We wanted to improve the user experience and user safety. We also wanted to minimize the conflict among the different recreational activities and interests in the park. As I have said before, you can see in the bullet at the bottom, there are longstanding aspirations for Black Pot Beach Park that call for a park that serves the local community and that balances the demands of the various recreational interests drawn to the beach. Next slide, please.

This is a flowchart that gives you a sense of what happened during different phases of the planning process. It will be a little more detailed in the next coming slides, but you can see, in the first column, we started with informal conversations, we had an
advisory committee meeting, focus group meetings, we launched a website, we had a community meeting, we had an online survey and you can see that there were many different meeting opportunities of the advisory committee, the focus groups, the community...again, we had an open website, we had a dedicated E-mail address and we culminated earlier this year with a virtual open house and circulation of a draft plan that was available for comment for about a month. An important milestone during the entire process, you can see highlighted with the yellow inset, was in early 2018 in April when the flood hit and the park was devastated, it was closed until July 2019, after a lot of repairs and renovations that were made by the County, I believe using a significant amount of Federal money to fix what had been destroyed. Next slide, please.

As I was suggesting, we first started work in May 2015. What I have told anyone that we have spoken with is: Corlyn and I do not live on Kaua'i, we do not live in Hanalei, we are outsiders and we felt it was important for us to begin our conversations with people in the community and just listen to what they had to say. We set up a pop-up tent at the beach park in May 2015. In advance, we invited a bunch of people to come down to the beach and just talk story with us. It included people with Namolokama, the Hanalei Canoe Club, Watershed Hui, community association, and a bunch of others and it was certainly time well spent. We also had different briefings with jurisdictional agencies that had some oversight either with the park, river, or the nearshore waters, including United States Fish and Wildlife Service (USFWS), Division of Conservation and Resources Enforcement (DOCARE), Division of Boating and Ocean Recreation (DOBOR), National Oceanic and Atmospheric Administration (NOAA), and other folks in the County, which includes the Kaua'i Fire Department (KFD), the Department of Public Works (DPW), and the Office of Economic Development (OED). To reach more people in the community other than just having an advisory committee, we also established a hierarchy. We had three (3) different focus groups, which ultimately included almost forty (40) people who participated in those focus group sessions. Each one of the focus groups met on two (2) different occasions, once in August 2015 and once in June 2016, and they served as a sounding board for ideas that came up in the advisory committee meetings. There were planning sessions. People had an opportunity to let us know what was important for them to be in the park and where those facilities were located. We had six (6) advisory committee meetings. You can see they were held in June 2015, April 2016, October 2016, again, there was a gap during the flood period, we reconvened in late 2019, and we had two (2) meetings in July 2020 and August 2020. The advisory committee was composed of nineteen (19) members. Not all of them made every meeting, but a lot of people did attend each meeting. Next slide, please.

We had three (3) community meetings. November 2015, we had an open house available for comments and mapping activities. We had over one hundred (100) people attend that. In July 2016, we had thirty-four (34) speakers, twenty-four (24) open microphone questions, and over one hundred (100) attendees. Then, in December 2016, we had another community meeting with over one hundred ten (110) people and twenty-seven (27) registered speakers. We also conducted two (2) online surveys and a virtual open house in an attempt to reach a broader number of people in the community. Our online survey in December 2015 elicited forty-one (41) responses, and in July 2016, we had one hundred fifty-nine (159) responses. Between February and March 2021 this year, we had a virtual open house that presented what was basically the plan that you
We had a comment period open for thirty (30) days. We had a wide broadcast of notifications making the website and virtual open house available to people. We had an E-mail list and we made as much use of our ability to reach people in the community as we could. Again, we had a project website, we had a dedicated E-mail address, we also had a Facebook account, which was dedicated to this project, which is no longer active. Next slide, please.

This may be a little hard for you to read. I do not know if you can see it in the Council room, but it is a list of the advisory committee members and the focus group participants. You have this in hard copy. I am sure you will recognize many of the names of the people we spent a lot of time with over the last six (6) years. Next slide, please.

This is a list of the people who were on our advisory committee. We did not select these people. They actually requested to be on the advisory committee. There were applications that were made to the Department of Parks & Recreation and this list is a result of folks taking an interest in the committee and submitting an application to participate. As you can see, there is quite a variety of groups and organizations that were represented on the advisory committee: canoe clubs, recreational users, fisherman, commercial users, neighbors, landowners, nonprofit and cultural groups, people from the visitor industry and business community at large, and we had one (1) person who was more of an islandwide representative. It was very important for us to hear particularly from the fishermen and the canoe clubs, as they are some of the biggest users of the park from the local community other than the surfing community and other folks who just come to the beach, and they required special attention because of the facilities they need to be near the ocean and get into the water. Next slide.

Some of the key findings of the work that we did, both the park and the beach can feel overcrowded and over-used, because in large respect, the increased interests in visitor traffic that we are getting, not from residents, but from visitors to the island, and their usage is overwhelming the ability of local residents to use the park. We wanted to retain the character and local charm of the park and ensure that existing park uses continue. There is a sincere desire to retain the character, beauty, and charm of Black Pot and reduce commercial activities and special events. We underline this, because we feel it is really important and it has been the subject of a lot of the testimony, both written and oral that you have received today, that current park activities such as, camping, picnicking, and the existing canoe club are considered essential uses to the park's character and charm. We also felt it was important to provide better maintenance and improve park facilities and the grounds of the park. Next slide, please.

Continuing on with key findings, we wanted to strengthen the enforcement to ensure user safety. This includes monitoring and enforcement of activities particularly as they relate to commercial uses. We wanted to address the demand for parking. The demand for parking outweighs...I am sure all of you who have visited Black Pot on a high-use day, outweighs the amount of available parking spaces. The convenience of parking close to the water is highly coveted. We wanted to continue Black Pot's traditional uses of place to access the ocean. Black Pot is traditionally a place for fishing, surfing, and boat launching. A working boat ramp and adequate boat trailer
parking is a priority to support local residents. We wanted to prepare for natural hazards including the effects of sea level rise and this also includes flood hazards, which must be a consideration for planning. Next slide, please.

We also undertook a number of technical studies to support the work and inform our discussion. We undertook a structural analysis of the old hale. We did an archeological inventory survey. We prepared a preliminary engineering report, which considered utility improvements and associated cost estimates. We did a coastal assessment of the beach, trying to understand at that time the ramifications of what parking on the beach might do to the natural systems affecting the beach. We also conducted parking count observations early on in the planning process just to get a sense of how many vehicles there were using Black Pot Beach Park at various times, including weekdays, weekends, and holidays. Next slide, please.

This is the plan that was circulated earlier this year. We have highlighted some of the key elements of the park in the red circles. Some of the more important additions to the park include, #1, one hundred forty-seven (147) permanent parking spots. There has been a lot of conversation about boat ramps and access to the river. In the old park, #3, the Weke ramp, that is the main ramp used by commercial operators using the park. It was damaged significantly during the flood and it was replaced by the County after the flood using Federal money to make those improvements. Item #2, which is in the mauka portion of the park, is a boat ramp that was present there when Mr. Sheehan was operating his boatyard in the back and one of the conditions of the transfer of the property to the County limits the use of that boat ramp to non-commercial operators. So only local fishermen, or individuals who are not using their boats for commercial reasons, can use that boat ramp. The mauka section of the park that was just acquired by the County cannot have any commercial uses whatsoever. Other important features of the park are landscape improvements on the makai end, that would be #10. Number 6 is a new comfort station on the mauka side. Number 8, which is a pavilion that was greatly supported by the advisory committee and would be used for events and functions that families could use for birthday parties or whatever, and that was the purpose of having that pavilion. There is also, although it is not numbered, an area on the mauka side that would be set aside for boat and trailer parking with easy access to the boat ramp. There is a wash-down facility that exists, which is incorporated into the mauka area for boat users. Number 7, which is the longshed that Mr. Sheehan referred to, where we have proposed as an area that could accommodate the canoes and other equipment from Namolokama along with other uses, including County storage and whatever else might go into the shed. A couple of things I would like to point out, one in particular...Corlyn, if you could enlarge the screen a little bit and zoom in on the line showing where the floodway is. You see a dashed line running through the middle of the property. Basically, the area above that line toward the river and toward the ocean is in the floodway, so you can see that we have attempted to locate all the hard structures that would be part of the future park outside of the floodway, because basically, they would not be allowed. It could not be constructed in the floodway and the open lawn area adjacent to #9, which is basically the area where the existing Hanalei Canoe Club hale is and is in the middle of the floodway. Next slide, please, Corlyn.
How does a plan get implemented? There are a couple of short-term actions that we think are important to consider and these are policy directions outside the scope of the plan. One is that there needs to be some support for the North Shore shuttle service that stops at the beach park, which reduces the need for vehicles to park at the beach. It would be important to require off-site locations for special event overflow parking. The beach park can be overwhelmed by vehicles and it creates safety issues along Weke Road when emergency vehicles cannot get to the park because the parking restricts the flow of vehicles. We think it is important to either create a parking fee or a permit to prioritize parking availability for residents, so that local people know that when they go to the park they will have a place to park. A good thing would be to organize a regional calendar of community events to manage events held on the same day or trying to avoid that. Installing educational signage for cultural, historic, and environmental resources would be a wonderful addition to the park to inform visitors to the park of some of the important, historical, and cultural things that are important. For operations and maintenance, top line, underlined, is to work with Namolokama Canoe Club to establish terms for future relocation from their existing spot. Enforce park operating hours. Establish policies and procedures for canoe storage. Review existing rules for camping. Increase park maintenance services. I think if you ask anyone, they think that this is a really important part of making sure that Black Pot is a good place to visit. Replace existing trash can with larger, covered receptacles. Provide a lifeguard tower and services. Increase enforcement activities and security, and establish public-private partnerships or Adopt-A-Park maintenance programs.

In terms of implementation, one of the recommendations is to acquire ownership control of the approach to the pier and riverfront accreted land parcels. There will need to be funding for land use and permitting approvals such as the Special Management Area (SMA) permits and Chapter 343 Environmental Assessments before improvements can be made. You will have to complete land use and permitting approvals, which will not be unsubstantial. You need to secure funding for design, permitting, and construction, such as the mauka comfort station, improvements to the boat ramp, and parking services near the pavilion. You will need to acquire design and permit approvals, including shoreline certification, flood elevation certificates, and building, zoning, and engineering permits. Even with the acceptance of a Master Plan, there is a long way to go before many these features can be implemented. Finally, once you get all that lined up, you have to construct the improvements. Next slide.

That is the end. That concludes my overview of the process and the Plan. I will answer to the best of my ability any questions you might have.

Council Chair Kaneshiro: Thank you for that presentation. We have a few questions from the Members. Councilmember DeCosta, followed by Councilmember Kuali‘i, and Councilmember Duslin. Councilmember DeCosta.

Councilmember DeCosta: I am very impressed with the overall comprehensive plan that you came up with. It seems just by the pictures alone and the names of the community members who participated...I see Presley Wann, who is an icon in our community down at Kēʻē with the community taro patch. Keola Sheehan is Mike Sheehan’s son. Glenn Kobayashi, Kimo Inanod, these are all longtime North Shore people. You mentioned the canoe club and the fishermen were two (2) key
components of this integrated process. You mention even in the slideshow Hobey Beck and Adam Roversi from our Housing Agency. Did you feel the verbiage was strong enough in this comprehensive plan to ensure that the canoe club would be taken care of in case they lost their spot where they are currently located right now.

Mr. Ezer: The Plan clearly both in the map and in the text of the Plan underscores the importance of managing the relocation of the canoe club.

Councilmember DeCosta: Perfect. You answered my question. Next question, the flood zone that you showed us with the dotted line, we are more sensitive to our environment, sea level rise, et cetera. Our Planning Department does not allow any structures or homes in our flood zone. They do not allow it. You are telling us now that whatever structures we are going to improve in our park is within the flood zone area? Am I correct?

Mr. Ezer: No, there are a couple of different flood zones. There is the floodway, which basically is, you are not supposed to build anything in the floodway.

Councilmember DeCosta: Can you hang on real quick? Where is the current canoe hale? Is it in the floodway?

Mr. Ezer: Yes it is.

Councilmember DeCosta: If we spend a bunch of money to refurbish or rebuild it, would that possibly be ruined in the future with another flood?

Mr. Ezer: That is a question that I cannot answer in terms of...

Councilmember DeCosta: As a regional planner with your experience, what would you say...with your twenty plus (20+) years of regional planning experience...when you plan, is that a safe way to say this or not?

Mr. Ezer: We always try to avert any structures within the floodway. They are basically very difficult, if not impossible, to get approved.

Councilmember DeCosta: My last question is, in the long hale, there are a couple of bays. I want to ask you, it is a concern for me for our canoe clubs to carry those heavy canoes. Is there room in those bays for the canoes to stay on their trailers so on weekends...is there enough room for those trucks and trailers to go pick up their canoes, take them down to that spot, and over the weekend have it in the park and removed back when the weekday starts? Is there enough room for the trucks and trailers not to get congested with the fishing and boat trailers in that area?

Mr. Ezer: Corlyn, can we go back to the slide with the Plan, just so we can demonstrate and answer the question a little bit better. Zoom in on the area of the longhouse. What we provided in and around the longhouse is a hard
surface, it could be asphalt or concrete, which provides laydown space even outside of the canoe hale. We also as you can see there is a fence line and security fence around the hale. Also, if you go back to Wilikoki Street, just move up a little bit...you can see that we provided a driveway access to the hale with a gate and it would provide access to the longshed for anybody who had anything in there. There is also a large lawn area between the longhouse and the area set aside for boat trailers. There is a significant amount of space in there to be able to get trucks and trailers in and out of the shed.

Councilmember DeCosta: That was my main question. Canoe trailers are long and I wanted to make sure that our canoe club, if they cannot carry a four hundred (400) pound canoe, which was mentioned in the reflection testimony, that they can get their truck and trailers in there to move their canoes to the designated spot that they need to launch from. Thank you, Scott. I just want to throw this out there, and this will be my last question. The private area in that little designated line and is the only private area in our County park where the canoe club is currently month-to-month...

Mr. Ezer: Yes.

Councilmember DeCosta: Was there no question with the landowner if they wanted to donate or sell at a reasonable cost as open space to the County? Was that ever talked about?

Mr. Ezer: There was a lot of discussion about that parcel. There were discussions that were held outside of...I was not privy to many of those. I think if you have questions regarding those conversations, they should be put to the Administration.

Councilmember DeCosta: Okay, I was just wondering. You worked on it since 2015 and I am a new Councilmember, so I was just asking if there was anything that surfaced. I am done. Thank you.

Mr. Ezer: In fact, the landowner had a representative who was included on the Advisory Committee.

Councilmember DeCosta: Okay, thank you for that. I am done.

Council Chair Kaneshiro: We are coming up on a caption break. I know there are still a bunch of questions from the Councilmembers. I think it is a good time to take our caption break. We will be back with further questions on the Master Plan. We will take a ten-minute caption break.

There being no objections, the meeting recessed at 10:28 a.m.

The meeting reconvened at 10:39 a.m., and proceeded as follows:

(Councilmember Cowden and Councilmember Kuali'i were noted as not present.)
Council Chair Kaneshiro: Welcome back. We are still on the Black Pot Beach Park Master Plan. We still have questions from Councilmembers. Next up, we have Councilmember Evslin.

Councilmember Evslin: Hi, Scott. Thank you for being here and thank you for your presentation. I really appreciate a lot of the Plan. There are so many really good elements there and I liked your community input process over an extended and challenging time period. It seems like you did a good job throughout that. My one major concern is a lack of a hale for Namolokama other than the existing storage shed.

(Councilmember Cowden and Councilmember Kuali'i were noted as present.)

Councilmember Evslin: I am a little confused in going through the process and trying to better understand sort of what happened here. From my read through the Appendix and from every Citizens Advisory Committee (CAC) meeting from 2016 to 2020, it looked like either the existing canoe hālau was going to be preserved or you folks showed alternatives for new hālau to be built. The only time where there was no hālau was the very final Plan after it seems as if the CAC process finished. If you could explain how you went from either preserving the building or having a new building to all of a sudden no building and just utilizing the storage shed. How did that transition occur? Where did the decision-making come from for that?

Mr. Ezer: That is a very good question. Based on the testimony that you have heard and others say, I sort of expected somebody to ask the question. There was an evolution of the Plan over the years. Initially, when we were looking at the available land area that we were considering, the mauka three plus (3+) acres were not in play. That was the area that included the longshed. Up until I would say 2019, 2020 or so, we had not yet undertaken a structural engineering analysis of the building. There was a lot of talk about reusing it and whether it was appropriate to reuse it or not. It was at that point that we decided for everybody’s benefit, it would be a good thing to be able to get some experts in there to conduct an analysis of the structure to see what was working and what was not working. That was a point in 2019 where there had been a Plan in place, and yes it had included a new hale for the canoe club. We received a fuller understanding of the condition and where it was in relation to the floodway and all of that. We discussed that at length in the CAC. I cannot say that it would have been a surprise to anybody who participated in our CAC meetings that the recommendation on the table was to move the hale or the canoe club to the longshed at the back of the property. It was discussed in committee, the committee was told that it was going to be part of the final Plan. The draft Plan...to say that it occurred at the last minute is not completely accurate, because the virtual open house held in February of this year included what you saw today. We did not undo the curtain before we submitted this to the Council and all of a sudden it appeared. It was in the Plan earlier this year. That Plan was up for public review and comment for thirty (30) days. We did not get the pushback that you are seeing today. I am not saying that the folks who do not want that to happen and would prefer to have a hale, I understand their position. It is a really important part of their daily life. To say that we just sprang this on everybody at the last minute is not accurate.
Councilmember Evslin: If I could just clarify why I said that... from looking at the July 22, 2020 meeting, which from my understanding was the last CAC meeting where alternatives were proposed, you did mention the engineering report and your interpretation of that report that the existing hālau should be knocked down. Even at that meeting, there were still two (2) alternative maps proposed, both of which showed canoe hale. From talking to CAC members, it sounded like they were under the impression that the existing hale gets destroyed, but there will be some other hale for Namolokama. It was not until the draft Plan came out in February, after the CAC process had finished, where there was no hale. From my read, it seems like there were six (6) or seven (7) alternative maps presented throughout the process, all of which showed a new hale until the final map in February 2021. That is where it seems as if it was this last-minute change. Maybe you folks have not heard much pushback since then. I think we or at least I have been hearing about it for the last four (4) or five (5) months saying that Namolokama has to have a site from many of the same people who submitted testimony. I think we received forty (40) letters of testimony in support of the canoe club having some location in the park, other than a storage shed. Given that, what would be the next steps to try and ensure that they do have a site in the park?

Mr. Ezer: I did not hear the last part of the question.

Councilmember Evslin: Given the outcry that we have heard from park users, what is the process to try and determine an appropriate location for Namolokama Canoe Club, given that they are saying that the storage shed is not a good spot for a canoe hale to be and that their existing spot is tenuous.

Mr. Ezer: There are a lot of considerations that go into that question. First and foremost among that is: who is the park for and what is the purpose of the park? Is it the County’s... these are open-ended questions. I do not have answers to the questions. I am just posing the questions. Is it the County’s responsibility to provide a space for a clubhouse or is it sufficient to provide opportunity to provide storage for the canoe club’s prized possessions and other equipment? Really, this is a policy decision... if the Council feels it is so important that this really needs to be taken care of, I think if you want to set that policy direction, that is something that could be included in whatever happens in the park. We took our best shot at trying to provide for all of the users of the park and to comply with the rules and regulations that govern development, structures, and all of that involved in higher-level planning. How does that resolve itself? I think there would need to be some serious conversations between the canoe club and the Administration. If the Council wants to get involved, that is your prerogative as well. My understanding is that there have been ongoing conversations more than over the last four (4) or five (5) months, but over a couple of years, at least, between the club and the Administration as to how to resolve the question. I know there has been a lot of back-and-forth, and I was not a part of those conversations. How do you move forward? There needs to be a policy decision about how the park will be used and then move forward from there. There needs to be an understanding that there are some significant regulatory limitations on how you can use the park and where you can put structures in the park. I hope that was not too long or obfuscating. That is my reaction to your question.
Council Member Evslin: Okay, thank you. Just to respond quickly, I think one of the hard issues here is that the community, many of them, have been saying “We need a space in the park,” and I think the response so far from the Administration, appropriately, has been to say, “Let us see what the Plan says.” The Plan is a document that was driven by the community and we need to see what the community’s intentions are for this area. With the Plan out and there being no canoe club, yet looking through the CAC documents and seeing that there was a pretty clear community will to see some type of structure in the park, and that was what was presented to the CAC, it is just hard as it seems like we are going in circles a little bit without a real alternative for them to get a site. Lastly, I think your question of, “Is it the County’s responsibility to provide a space for canoe clubs?” I think the answer is a clear, “Yes.” Canoe clubs cannot exist on their own. They need access to the ocean. That is why State law guarantees that canoe clubs can have access to the ocean and County law provides a pathway for them to build hālau on County property. Canoe clubs would not exist without being in County parks. From my perspective, and what I feel is the community’s, we start with a place of saying, “Yes, there should be a spot for Namolokama in the park,” and then I would hope the community process would have been to identify the ideal place, to save the hālau or build a new one, et cetera. Instead it seems like the final outcome is just no space. I know that is verging into discussion. I will think of more questions here as my colleagues ask theirs. Thank you.

Council Chair Kaneshiro: Council Member Kualii.

Council Member Kualii: Sorry, I was a tiny bit late coming back. I want to continue with that line of questions, because that was one of my questions as well. The existing longshed, the space in there would allow for the long-term storage of canoes as well as the current use of regular use, that is happening in the old hālau now? When I look at the longshed, there is this gray area around it. Is that like a driving area to bring in the trucks to load and unload the canoes? On the north part of it, there is a wider gray area. My thought too is, could the Plan accommodate some of that space to expand the longshed so that it has more...a facility or a space that might be more conducive to the daily use of a hālau rather than a storage. It will also be close to the water there too.

Mr. Ezer: Is that the extent of that question?

Council Member Kualii: Can you show that slide?

Mr. Ezer: Sure. Corlyn, can you pull that up please?

Council Member Kualii: So area #7, correct?

Mr. Ezer: Yes. As I remember your question, one of the things you wanted to know was whether there was space in the longshed to continue the uses that are currently taking place in the old hālau. The old hālau is basically abandoned. It is unsafe. It is not fit to make use of in its current condition. There is really nothing going on in that structure today. The gray area is a hard-packed surface that is there for laydown space and maneuvering for things in and out the longshed. Your question regarding could the longshed be expanded toward the river...you see that
dashed line, that is the floodway. What I said previously about building in the floodway would also pertain to that possible extension that way, although, you could expand...if that is something that you were thinking about. You could expand the longshed to the left toward the ocean that way and create additional area over there.

Councilmember Kuali'i: 
Along those lines too about altering the area where the longshed is, the gray area does not connect around the top, correct? If you were hauling a canoe out of the longshed, you would have to come all the way down to the bottom back to Wilikoki Street and then enter that other entrance in order to take it to the ramp? Is that how it currently works?

Mr. Ezer: Actually, the longshed is open along its sides. I think Corlyn is trying to pull up an image of the longshed.

Councilmember Kuali'i: You see at the top where the #7 is, the gray surface ends and then it is green open lawn. There is no connection there to get there in a shorter way, directly to the boat ramp. Is that correct?

Mr. Ezer: That would be the easiest way to get to the boat ramp from there, yes.

Councilmember Kuali'i: But it is not that way currently. There is no driveway.

Mr. Ezer: Correct. There is none, at the moment. You could probably put in a hardpack that would make it easier to roll a canoe to the boat ramp.

Councilmember Kuali'i: I think part of the...they are saying the convenience and obviously that is probably the case in that area that is not in the Plan...that private area...the canoes in a hale that is being used regularly should be close to the water where they can just carry it and walk it in, as opposed to loading it on a truck and driving it all the way around. Those are all possibilities with how the Plan is, again just keeping in mind the dotted line that is the “Floodzone VE” versus “Floodzone AEF,” correct?

Mr. Ezer: That is correct.

Councilmember Kuali'i: Does the Plan show the dimensions and usage area of the old hale as well as the dimensions and usage area of the longshed? Square footage...

Mr. Ezer: Corlyn, can we go back to the aerial photograph? That is the one. Make that the view, if you can.

Councilmember Kuali'i: I see.

Mr. Ezer: The hatched area is the area that is privately-owned. The white area within the hatched area is the tent that is being used
by Namolokama to store their canoes. The area adjacent to that...the first area, the first rectangular...that one. That is an old restroom that was constructed to support the canoe club and there is an existing septic leach field that is connected to that restroom. The next adjacent building, which is more of a square, is the old Hanalei Canoe Club hale. You can see the footprint for the tent and the old hale are basically the same.

Councilmember Kuali‘i:  Okay. When you say “tent,” is that like a portable tent or something that can be moved?

Mr. Ezer:  I am not sure how that is constructed. It is a fabric skin. It is pretty substantial. You would have to ask representatives from Namolokama exactly how that is constructed.

Councilmember Kuali‘i:  Okay. My only point on that is that if it is somewhat portable in nature and they do not necessarily need an area in the longshed that is a facility, maybe the Plan could allow for them to be in that open area just left of the #7 where it is written “Open lawn” and there is a green bush and some small green trees. Perhaps there is enough of an area there to fit such a tent, right?

Mr. Ezer:  I believe that would fit that space.

Councilmember Kuali‘i:  To move on from this and to tie in the next piece which is #8, which is what the Plan is showing as a pavilion, is the area for that pavilion large enough that it could accommodate a dual-purpose facility that is a pavilion, community center, and canoe hale? What we are hearing from some of the testifiers is that though it was a canoe hale, it served multiple purposes in that many of their members and community members would come and have parties there and everything. It was more like a community-use facility, which is what a pavilion is. My idea along the lines of having what you list here in the Plan as a pavilion is to be potentially a dual-purpose facility of a canoe hale and other purposes as well, and a pavilion that would then serve all those purposes. There was also testimony that they are not necessarily wanting to see just another County pavilion that does not have a group of people caring for it, having kuleana in it, using it regularly, and to prevent potential problems like they are having at the other pavilion like homelessness, drugs, and things like that. Could that space...now in the Plan it is just a space. What shape that pavilion or facility actually takes is open. Is it enough dedicated space that it could allow for that?

Mr. Ezer:  Just in terms of available footprint space, it is possible that there is enough land area there to accommodate those uses. I cannot speak for Namolokama as to whether that is a location that they would prefer. They had indicated previously that one of the issues that they have with their current location is there is too much foot traffic associated with users of the park and they feel like they are in a fishbowl. They would prefer not to be in a situation where that occurs. That location is right next to the parking lot. It would not really provide them with a lot of privacy. Their canoes and all their equipment would be visible to the public. Again, I would leave that response to a representative from the canoe club. Just asking whether there is sufficient space there to accommodate that, it is probable there is.
COUNCIL MEETING

Councilmember Kuali'i:

but that is just pretty artwork? It is not...

Mr. Ezer:

Right.

Councilmember Kuali'i:

listed as the #6 gray building?

Mr. Ezer:

Yes.

Councilmember Kuali'i:

pavilion and the boat side?

Mr. Ezer:

That is correct.

Councilmember Kuali'i:

something.

Mr. Ezer:

Correct. It has no bathroom.

Councilmember Kuali'i:

This would be a nice, big bathroom to serve
both sides. I have more questions, but I will stop for now.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden:

Thank you, Scott, for all the work that you have
done. You have met me before. I have been at all the public events. Does HHF Planners
regularly speak with our Department of Parks & Recreation about Black Pot Beach
Park? How often do you speak with them?

Mr. Ezer:

Fairly often.

Councilmember Cowden:

Okay. I notice you are using the word
"abandoned" for the canoe hale. That surprises me that is the choice of word. Are you
aware that there was police action regarding protection of the canoe hale the winter
before last? It was probably in February or early March. Are you aware that there was
a police confrontation there?

Mr. Ezer:

I am aware that it happened, yes.

Councilmember Cowden:

Why did it happen?

Mr. Ezer:

You would need to address that question to the
Administration.

Councilmember Cowden:

I know, because I was there. There had been a
double-hulled canoe stored in the canoe hale for a couple of years. Are you aware of
that?
Mr. Ezer: I think any questions you have related to how the existing hale has or was being used and whether it was being used appropriately or with the permission of the County must be addressed by the Administration.

Councilmember Cowden: I will just help you with the direction that I am taking this. I work with the County’s Department of Parks & Recreation regularly. I have not quite hit three (3) years in office, so I am the next newest Member. I am pretty new. I was a paddler in the club there for nine (9) years for the Hanalei Canoe Club and I am very active in this community. There has been a spirited protection of that canoe club from a group that I would refer to as our kia‘i. I go down there when I meet with the kia‘i in Hanalei. Typically, we would meet and have policy discussions in the canoe hale. Classes were happening there. It was regularly used whether or not with the blessing of the Department of Parks & Recreation. I just want to correct for the record, that it was “abandoned.” It was not abandoned and it was continually used until the canoe was taken out and it was fenced off. That would be a more correct reflection of that. Those spirited people happened to be at the meetings in this Appendix. I was at a number of the meetings noted in the Appendix. What I cannot find, but perhaps you can help me find...I tried to look. When you talk about the public hearings, I see where my testimony is in there. I see where some people’s testimonies are in there. I could not find...maybe you could help me find...where there was anger, frustration, demonstration occurring at these meetings. This was not a happy group agreement and there was a lot of anger. Do you recall that?

Mr. Ezer: I am not going to dispute the fact that there were people who were very emotional during the community meetings.

Councilmember Cowden: These people who were very emotional are a very important part of our community. They have done thousands-of-people marches and they are a very vocal group in our community. When you talk about community outreach...as a matter of context...I used to teach at Hanalei School in my early 20s and I had surf shops down there. I have known a lot of these people through this whole process. In that piece...you gave us a lot in this Master Plan of all of that community outreach...that community outreach, I fought hard to be included in it. I was firmly denied participation in anything but the very public meetings. I was told that I could not come. Other people were told that they could not come. I think it is an important part of this, because I was firmly told that I am not a stakeholder. Why I think that is important and I have had a role as an active citizen and a community affairs radio host, I invited HHF Planners onto the radio to discuss this, and it was always a “no.” What I am hearing you tell us is that the community outreach was broad. I think it was narrowed to the people who would be in compliance or have less spirited temperaments.

Council Chair Kaneshiro: Councilmember Cowden, what is your question?

Councilmember Cowden: My question is, in this case, where do you feel in this document reflects the strength of the resistance? Where was the key issue in that resistance?
Mr. Ezer: I think if you look at the Appendices, we included whomever may have presented their remarks at our community meetings. They are reflected in the Appendices.

Councilmember Cowden: Yes.

Mr. Ezer: We did not edit anybody out.

Councilmember Cowden: Only what came over on the microphone.

Mr. Ezer: Again, we did not edit anybody out. Their words are captured. I do not know...I will leave it at that.

Councilmember Cowden: Okay, I am going to change the line of questioning. I have a different set of questions.

Mr. Ezer: You are not letting me answer the question you just asked. I would like to address that if that is possible.

Councilmember Cowden: Please continue. Forgive me.

Mr. Ezer: Just for the record, with respect to your comment, we did appear on your radio show. Lenny Rapozo was on that specific broadcast and I was there as well. We did appear on your broadcast.

Councilmember Cowden: Okay, I will have to remember that. Perhaps there was one (1) instance. I stand corrected and I will check. I know I tried for more as it got more heated. What I recall was the very heated issue was the parking. When I am looking at what is reflected here, you said, “The amount of parking is maybe one hundred fifteen (115)...” What did you say was your average parking?

Mr. Ezer: I did not say what our average parking was. What I did say is that the Plan provides one hundred forty-seven (147) spaces along Wilikoki Street that supplements the parking that currently exists.

Councilmember Cowden: How much parking was typically on the beach? That was the big area of residential parking. It was on the beach. How much parking was there?

Mr. Ezer: I do not remember specific numbers. The number of cars that might have been on the beach at any particular time varied with the width of the beach. There were days when there was space only for one (1) row of parking and there could be days when there were four (4) rows of parking pretty much extending most of the way down to the river mouth.

Councilmember Cowden: That is correct. When we were going through this process, I would go down there and I would count the parking. In the winter, sometimes there was no parking. There could not be. In a high beach day, there might be one hundred fifty (150) to one hundred seventy (170) cars on the beach almost all
that were residents' vehicles. It would be filled with those cars. Where do you see those one hundred fifty (150) to one hundred seventy (170) cars parking now?

Mr. Ezer: The first thing that I would say is that characterizing that the entire number of vehicles on the beach were residents of Kaua’i or Hanalei is not completely accurate, because there were a number of visitors who were parking on the beach. With respect to any decision that was made about parking on the beach, again that is a policy decision that was or should be made by the Administration and the Council. It is above my pay grade to determine whether there should or should not be parking on the beach. I think any of those questions should be directed to the Administration.

Councilmember Cowden: Thank you. When is the last time you have been to the park?

Mr. Ezer: It has probably been...it was just before the park reopened in 2019. We were down there. I certainly have not been back there since the pandemic started in March of 2020. I would say it would be mid- to third quarter of 2019.

Councilmember Cowden: Are you aware of where some of the family parking has shifted? How communities tend to like to use the park, do you know where they have shifted?

Mr. Ezer: In terms of where they park?

Councilmember Cowden: Yes, where they park now, where they put up their pop-up tents, where they play with their children and grandparents?

Mr. Ezer: I have not been to the beach since, like I said, mid-2019 and the park at that point; the park at that point was not open to the public yet.

Councilmember Cowden: Yes, well I appreciate it. You said you were talking to the Department of Parks & Recreation regularly. So they may have said that people are parking with their tents now right along the river. They have their trucks down there. They have their pop-up tents. People come as a community and they are in their family vehicles. Right now, they are along the river there. That is our piece.

Council Chair Kaneshiro: Councilmember Cowden, what is your question on it?

Councilmember Cowden: I wanted to know if he is aware of that. This Plan does not reflect the way the community uses the beach.

Council Chair Kaneshiro: I am not sure what you are getting at, but they are adding one hundred forty-seven (147) more parking stalls in the Master Plan. That is where additional alternate parking would be.
Councilmember Cowden: I am talking about community displacement. They have been displaced out of the front portion of the park, because of the parking. Now they have moved, because of where they need to go. I will go to a different line of questioning. With the boat ramp, where you have this piece, you might remember, I think it was the June 19th meeting, I cannot remember which meeting, do you remember this had been planned to be...I know how I will be able to say this. If you look in your smaller version in your nice printouts here, on page 64, look where you have the park plan...if you turn to page 62, I like how they are close together. On page 62, we see the foot sea level rise pictures. Having lived in that area and having spent a lot of time in that area, if you look at the three and two tenths foot (3.2') sea level rise, that looks to me as if we have rain event of ten inches (10") or more. If you look at the two-foot (2.0') sea level rise, it looks to me like five (5") to ten inches (10"). If you look at five tenths feet (0.5') or one and one tenths of a foot (1.1'), it looks like what would be two (2") to three inches (3"). We have heavy rains a lot. I am looking at this boat ramp knowing the area well. It is going to be under water a lot. What budgeting is coming into place for the receding mud. When it floods like that, it gets filled with silt. Did you contemplate that?

Mr. Ezer: The first thing I would say is that you are conflating two (2) different issues. One is the sea level rise and the other is flooding associated with rainstorms. The images that you are seeing right now are simulations that have been provided either by the United States Geological Society (USGS), NOAA, or in conjunction with DLNR as to the effects of what a certain level of sea level rise might look like and how it might affect land adjacent to or near the ocean. The areas in blue, they are not periodic flood events that occur during rainstorms.

Councilmember Cowden: I fully understand that.

Mr. Ezer: They are areas that would possibly be under water as a result of sea level rise. The three and two tenths foot (3.2') sea level rise simulation looks like the entire area would be under water.

Councilmember Cowden: Correct.

Mr. Ezer: The park would disappear in that scenario. Most of the predictions that I have seen talk about that being...if that occurs, it would be in the latter part of this century. There is a much bigger picture here than just asking how sea level rise would affect Black Pot.

Councilmember Cowden: That is not my question. My question was not regarding sea level rise. My question was understanding what it looks like when it floods. I understand these pictures of sea level rise, but they are similar to when it rains really hard. All of that is under water. The reason why I am emphasizing that is where we see mud, where we have cars ruined, where we have different things...I am just trying to acknowledge that it puts us under water. I am just trying to look at if we have the scouring that happens around concrete as the water recedes, I think that is important to consider. I think what is also important to consider and I am asking you if you have looked at this...when we said that the canoe hale has its problem with the flooding. Well, I was a part of that club and we used to just lock our canoes up. In fact,
the new Hanalei Canoe Club, you have to lock them. When the water comes through, it fills up and lifts those canoe, but they are locked to the building or stakes. The water comes through there, but the thing with that hale is that it always made it through. I think that we can rebuild there. If you look, we rebuilt the Hanalei Pier, we rebuilt the bridge in its likeness, et cetera. We got around all kinds of regulations to do it. I am suggesting we could keep that piece that is a critical part of our unique history. Did you consider that?

Mr. Ezer: Yes, we did. We certainly did. When the engineering report came back, and being sensitive to the real rules and regulations pertaining to the floodway, from a planning perspective, it did not make sense to put another structure in its place. I am not going to be the one to stand here and tell you that, if it is policy of the Council to want to put a building in that place, I am not going to argue against that. I am representing to you what several years of conversation and deliberation have resulted in. It is not an “either or” situation. This is the recommendation that came out of our conversations. It included conversations with the folks at the Department of Parks & Recreation and it is answerable to the rules and regulations that pertain to development, both in the SMA and with respect to the flood hazard regulations.

Councilmember Cowden: questions for now.

Council Chair Kaneshiro: Next up I have Councilmember DeCosta.

Councilmember DeCosta: breath maybe.

Mr. Ezer: I am fine. Please go on.

Councilmember DeCosta: Scott, real simple questions. The new comfort stations that we are putting in, how much more environmentally friendly are they compared to the old septic systems that are currently down in that area right now? Specifically on that private property with the designated diagonal lines.

Mr. Ezer: The first thing I would say is that the existing septic systems and leach fields to my understanding and the results of the engineering analysis that was done by our civil engineers suggest that they are still usable. With respect to how much better existing systems may or may not be to those older systems, I am not a civil engineer, but I would assume that systems that are designed today are more efficient and better systems than they might have been forty (40) or fifty (50) years ago.

Councilmember DeCosta: I am just worried that there is an existing bathroom on that private property that the canoe club is using. We want to move towards being environmentally friendly. I just wanted to know if that system is environmentally friendly or if we still have to look at that. The next thing I was going to ask you... I am in agreement with Councilmember Kualii about solving problems and not creating them... in that area that is marked with #7 at the top of that longshed, it
seems like we have three (3) green circles. Are those green circles a camping area, trees, or what do those three (3) green circles above #7 represent?

Council Chair Kaneshiro: Those look like trees.

Councilmember DeCosta: Okay, those are trees. Those are trees that we have now or are they trees we need to plant?

Mr. Ezer: They are probably trees that we are going to plant.

Councilmember DeCosta: Okay. Like Councilmember Kuahi'i mentioned, the tent that they have is a canvas tent. It is not a permanent structure. The canoe club is currently happy on that private property. If they were displaced, they could go under a tent structure where those three (3) trees are and could access through a gate through the longshed area. We can resolve that problem. Now we have the canoe club closer to the water. They can carry their canoe closer to the longshed and we still can have this non-disrupted Master Plan that we probably spent a lot of money to create. A lot of important educated people in the planning educational field contributed to this Plan, including our community members of thirty-eight (38) participants and nineteen (19) in our advisory focus group. Is that correct?

Mr. Ezer: Correct.

Councilmember DeCosta: Okay, thank you.

Mr. Ezer: Just to clarify, the existing restroom that is adjacent to the old hale, it is closed. It is not being used.

Councilmember DeCosta: Okay.

Council Chair Kaneshiro: Councilmember Carvalho, then

Councilmember Carvalho: Aloha, Scott. I have a quick question. I have been told numerous times, and I just wanted to hear from you, that the existing canoe hale falls under a historic designation. Where is that at? If so, where does that take us? That has been said numerous times. In the report here, there was a connection to a previous church there and burial grounds. With all of that discussion that was put on the table, I just wanted to hear from you where we are with that. What are the next steps?

Mr. Ezer: Nice to see you too. We did have an archaeological inventory survey done before we started work on this. There were several test pits and trenches dug in and around the entire area. No burials were found, but I do not want to downplay the significance of what Mr. Sheehan said with respect to the possible location of burials associated with the previous use of the property as a Catholic church. If you look at our final report, there are a couple of pictures in there that show those structures on the property. Use of the property by the church date back
to the middle of the 19th century. It highlights some of the importance of the historic use of the property and I think understanding all of that is a very important element of how the park should and could be used in the future.

Councilmember Carvalho: Okay, I just wanted to clarify that as it was brought up numerous times. As far as next steps, I am hearing that there are opportunities to relocate to different parts of the Master Plan, which I guess we need to talk about more. I just wanted to clarify so we understand that portion. Thank you for that.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Scott, just one (1) or two (2) quick follow-ups from my previous questions. Given that the final iteration of the Plan showed no hālau or that the existing hālau would be knocked down, was that based entirely on the engineering report, or would you say the CAC or community sentiment was to knock it down?

Mr. Ezer: If you go back and look at the minutes of our last two (2) advisory committee meetings, we had a formal advisory committee meeting in July of 2020 and then there was one right after that. A lot of the conversations in those particular meetings had to do with some of the details associated with the maneuvering around the mauka boat ramp. The hālau or hale was discussed as well. There were a number of committee members who were in favor of demolition of the hale. Yes, there were a bunch of different contributory considerations, one of which was the engineering report, others were discussions that were had at the advisory committee, and certainly another consideration was the location of that space within the floodway.

Councilmember Evslin: Okay. Obviously, I was not at the CAC meetings and I do not want to dispute anything you say, but from the notes here from that meeting, it shows four (4) people mentioning the hale and it looks like two (2) of the comments were trying to ask what can be saved and none of the comments that I can see supported knocking it down. It seems as if that came from your team based on the engineering report. The follow-up question to that is if the primary factor leading to your decision to knock it down was the engineering report and the flood study, given that Namolokama Canoe Club is saying that they could restore it at their own cost using their licensed contractors and architects within the Club, would that change that decision to knock it down at all? Or do you think it is still best that the structure comes down?

Mr. Ezer: Well, I think everyone really needs to understand and take a step back about what building in the floodway actually means. In the first place, I am not sure that the existing structure is legal or not, meaning was it built with a building permit, so in that case, it may not have standing as a non-conforming structure. Second thing is, no matter what happens moving forward, any structure that is built in the floodway would have to meet the requirements of the flood hazard district. It is almost inconceivable to me that a structure being put there for the purposes of the things I have heard discussed or put forward, including
meeting rooms, storage areas, and all kinds of other stuff, would be allowed within the floodway; it is a floodway for a specific reason.

(Councilmember DeCosta was noted as not present.)

Mr. Ezer: It is a blessing that it has withstood the rigors of nature these many decades, but the flood regulations are there for a reason and they are intended to prevent the destruction of structures that might be located in an area that would be in the floodway. Having the cost and the manpower and all of that donated by whomever lovingly wishes to do that, the dark regulatory side of that is it is fraught with obstacles and may not even be possible—it would be difficult.

Councilmember Evslin: I think the hard part with the canoe club is it has to be close to the water. There are canoe clubs across the State that are basically a canoe length from the water, maybe fifty (50) feet. I think as every canoe club does whenever it floods, everyone goes down there and, as Councilmember Cowden has said, “secures the canoes.” It is just a habit of canoe clubs because they know they are within the floodway. If you build them too far set back, it is too far of a journey to get to the water, so it certainly is a difficult problem. One final follow-up to that is, if the regulatory issues had a solution there and it was achievable, which it sounds like it might be, to restore that building in a legal manner, do you think aside from the regulatory barriers that you mentioned, that it would be worth pursuing as an option?

Mr. Ezer: There is a lot of space there. I am not going to tell you that there is not a lot of space in the middle of the park. Are there work-arounds to internal pedestrian circulation and protection of what the canoe club might have in the building? Certainly, that is possible. It might be required to tweak some other elements of the plan. I would be foolish to sit here and tell you that it could not be done; just from a spatial perspective, it could be. The questions that need to be asked about whether that should or should not be done are questions that you need to ask yourselves as Councilmembers and I would leave that decision up to you folks.

Councilmember Evslin: Thank you, Scott. I did not necessarily mean from a spatial perspective. I meant, given your experience as a planner and what makes for a vibrant park and your experience, you said you were a paddler and your years of experience working with the community on this master plan and working with the canoe clubs, given all of that, do you think that restoring the hale, if it can be done, is something that could be pursued.

(Councilmember DeCosta was noted as present.)

Mr. Ezer: Different canoe clubs operate in different situations all over the State. Some have state-of-the-art hale in beach parks or located near the ocean. A lot of canoe club members still have to carry their canoes from their storage space. It is not a considerable distance, but they still have to carry them down to the water. Ultimately, the canoe club would have to answer whether it is doable to be located in one location or another. I cannot answer for whether
Namolokama could or could not operate in a different area of the park—I think they could, but if you are asking me, is the middle of the park the absolute optimal place for them to be located? I think there are a lot of different options and that is one of them.

Councilmember Evslin: Thank you. The last question for Pat or open-ended to either of you. I want to get some game plan for how to accommodate Namolokama or how to determine the best process for siting a club for them, given that they are clear that the longshed is not suitable. For either Scott or Pat, does that involve working to possibly amend it in the Plan or can the Department of Parks & Recreation do that outreach on their own and possibly come up with a suitable alternative without amending the Plan?

Mr. Porter: This plan is the plan and I do not think it needs to be amended to accomplish what you are talking about. From the beginning, since I have been serving in this position, we have committed to providing a space for Namolokama—there has been no question about that. Moving forward, we can continue those conversations and find a suitable location for them. I am good with that. I have a good relationship with Hobey and we can continue those conversations.

Councilmember Evslin: My final question. Given that this is the final plan, this certainly does not preempt the possibility of the hale being saved if that is determined to be the best outcome or a new hale being constructed somewhere in the park, right? Those are still options that are out there.

Mr. Porter: Yes.

Mr. Ezer: If I might add, Councilmember, the next step in the process is the regulatory permitting, so you still have to do an environmental assessment. This particular plan would be part of the review that takes place under the environmental assessment, but the Chapter 343 process also provides for options to the proposed action as you are reviewing the Chapter 343 document. If something comes up that is a more suitable solution for the canoe club, that can be presented in the environmental assessment and as long as you cover that in the environmental assessment, you are good. The step after that, where the rubber really hits the road, is when you put documents out to bid for construction and what things are really going to look like. You have a long way to go before you are shovel-ready.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: I just want to add, the plan does have as a short-term action to work with Namolokama Canoe Club to establish terms for future relocation. The potential supporting party is the canoe club and they would be working with the County Attorney and the Department of Parks & Recreation, so it is in the plan as a short-term action, so that is a discussion that is going to happen—it is in the plan. Whether we can decide where it is going to be or what that looks like now, I do not think that is something that they are going to try and incorporate in the plan now. Again, it is something that is going to have to be discussed, vetted with the community and the canoe club. Then put in as an action
item that we have discussed it and this is what we decided to do. I do not want to say that the plan does not accommodate the canoe club and their desire to be relocated on the Black Pot Beach Master Plan, I think it is right here in the short-term actions as an item to do. Councilmember Evslin.

Councilmember Evslin: For me, as long as that short-term action item is viewed broadly like that, then that is great. My read of the plan and that action item was that relocation to the longshed, just because the longshed is the only place identified within the plan for canoe storage. So as long as we are interpreting that broadly—relocation somewhere in the park, to be determined—then that is a decent outcome here.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: In your PowerPoint presentation, there was a slide about the technical studies, then in the big document of Appendices, I found the Hanalei Canoe Club Clubhouse Building Evaluation as the last report included in there, but I did not find the Archeological Inventory Survey from cultural surveys Hawai'i August 2017. Is that included in here or do we have to go somewhere else to find that?

Mr. Ezer: I am sure you appreciate the fact that the documents are large electronically. We have a separate document with the Appendices, if those have not been provided to you, we will make sure that it gets to Council as soon as possible.

Councilmember Kuali'i: I see the Building Evaluation here and I guess it is because it is only twenty (20) pages double-sided. I will want to see the Archeological Inventory Survey, just to look further at the piece about...because I have the same question that Councilmember Carvalho had about the historical...the fact that it was a Catholic church and a graveyard. We had one of the testifiers tell us about that.

Mr. Ezer: The Archeological Inventory Survey is Appendix “A”.

Councilmember Kuali'i: Okay. On this building evaluation, there are a lot of pictures there that look kind of disturbing, so I accept your point about the building being unsafe and not fit for use, so it would take a lot of work to get it to the place that it is useful again. But this study that you included as part of this master report, it says that it is based on limited physical observation of the existing building. Would you say that, if indeed this Council wanted to proceed with trying to save this building, that we should probably do another exhaustive study of whether that is possible, not just based on what you said about the flood location and permitting...but your study is only something quick and virtual observation, including all these photos, but we should probably do something further, right?

Mr. Ezer: I think that would be a good idea,
Councilmember Kuali'i: Okay, thank you.

Council Chair Kaneshiro: Council Vice Chair Chock, then Councilmember DeCosta.

Councilmember Chock: Thank you, Chair. I just want to reflect on the process of the plan, because my understanding is that this has been an interest of the community—that is what the outcome of this plan should be. As it is being presented today, it is starting to cross the line on where policy—at least in the political side of it on the Council there may be interest. This is a question for Pat, because obviously there are some outstanding pieces that the community is voicing here, and I want to be clear about what we have already started, which is a community process and where you see it, Pat, is leading into. What I am being advised here is that, if the Council wants something, then we should move on it and I am not certain that is really true to the form of this process—at least what you are advocating for, and I want to be clear about what it is you are advocating for in our role here.

Mr. Ezer: Pat, do you want to answer that?

Mr. Porter: The next steps would be the planning and design, so there would be more time for input during that time, too—it is usually how it goes. As far as the administrative side, the last Administration and this current Administration have gone through the process in this way, which is the administrative way to go about coming up with this master plan, then finalizing the master plan. I think that would, more or less, wrap up the administrative side for this section for Black Pot.

Councilmember Chock: Let me rephrase the question.

Mr. Porter: I can defer to Mike, if he is available on the administrative side and see what the Office of the Mayor...

Councilmember Chock: Mike, if I could, I just want to be clear about my line of questioning that is about, at what point is it appropriate, if at all, that the Council starts to interject what their interests are here, based on the kind of feedback we are getting from the community, because it sounds like the next steps are to go back to the community, which I appreciate—I think that is a good thing—let us continue, because we have not resolved everything, but are we going to get the new version? What is your expectation here?

MICHAEL A. DAHLIG, Managing Director: In response to Council Vice Chair Chock, this is Mike Dahilig, Managing Director. I understand the line of questioning concerning what is next here. I have listened to the conversation between Pat and Scott and the rest of the Council. There are policy items that rely on things like appropriations, and that clearly is within the province of the Council to go ahead and make its authority known as to what investments need to be made from an appropriations standpoint in perpetuating or not perpetuating portions of the plan. What Scott has reiterated is that the plan is not regulatory in nature and the deference to the regulatory items that are currently controlled by laws that the
Council has passed, relating to things like flooding, relating to things like Special Management Area (SMA) policy—these are things that have to be weighed with a community desire, given that laws are islandwide, they are not locale-specific. Certainly, the Council has it within its authority to also influence implementation of its laws by passing resolutions or making its intentions known whether or not items like the flood ordinance or exceptions to what our standard Countywide policies should be given an opportunity to be flexible, given the community desire. We are not promoting rigidity in the plan, we are promoting flexibility, and I think as Pat and Scott went over, it requires additional conversation. But where the policy boundaries run, at the end of the day, one, this is not a regulatory plan, and two, the implementation is going to rely heavily on appropriation discussions and determinations by the Council as a body given your province under the Charter.

Councilmember Chock: Thank you for that clarification.

Council Chair Kaneshiro: Follow-up questions with Councilmember DeCosta, then Councilmember Cowden.

Councilmember DeCosta: Pat and Scott are on, and now we have Mike, perfect, we have everyone in the house. As I look through this and I see the most important aspect of this. The canoe club, Namolokama, really wants to solidify a spot...the verbiage needs to solidify them a spot. They are fine right now with month-to-month, but they want to know if they have the longshed in writing. Although, the longshed is far to carry their canoe. As I look at this plan—I am no regional planning director, but I can see that we have a security fenced gate with a lock, but to enter the longshed, we have a swing gate. Is it simple to maybe put a swing gate on the top of #7 along the shed? Again, where Councilmember Kuali'i made a point that we could access the water. I am looking at this plan and asking, how can we accommodate our canoe club to the best of the ability with this plan, not to be governmentally scrutinized by rebuilding a building that is not permitted or that could actually cost more money if we needed a permit process to go through. So, with looking at this plan, how can we simplify our decisions and make this available for our canoe club to access the water at a closer spot above #7? Pat, how difficult will it be to put a swing gate, so canoes can go in and out easily accessible from the beach area? And is that area launchable for our canoe club so we could solidify an area in the plan in case something happens to their month-to-month lease on the private sector area.

Mr. Porter: Yes, wherever we accommodate the canoe club in the park, which could be at the river side of that long garage, wherever we decide, the Department is committed to helping with the improvements. For instance, if the garage where #7 is, there is a big hau bush that is in that area that is fronting the river, if that would be the location, then we would, as a department, help remove that hau bush and help with permitting to improve the site for them—we are committed to that.

Councilmember DeCosta: I want to piggyback on what Councilmember Chock said, that the community is being heard, the community is the canoe club and
others who use the park, if we could address that, so they will feel comfortable that we are looking out for their best interests. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: My questions are largely for Pat and Mike—they are process questions. Last time I spoke with Pat and Wally—and I want to honor William, also—you asked me about how could we help this existing plan be more community-friendly, because I have stated a lot, the concern is, it is sterilizing the park and it will feel like any visitor park and lose a lot of the unique qualities. I call people in the CAC, I talked with them and we came up with a number of ideas that we both liked. Both that group and the group that feels like they have been literally and figuratively locked out of the conversation. It has been asked, “Can we have our Council and Committee Meeting at Black Pot Beach Park?” I know that it is possible that we could have Council Meetings on the North Shore—it has happened in the past. We could do a special meeting there, because a rendering is not reality, so just as you brought up about the hau, right around the corner there is were Hanalei Canoe Club is—just feet away, so we would be competing, and the river does not work quite right. So, if we were having a conversation in the park, I think that we could have the most meaningful sets of agreement that we could sit there and really look where the boat goes, where we could do it. I have attended Council Meetings in the past that have been at Hanalei Elementary School—we could do something there, then really hear it out. Mike, is there anything that makes it be that we cannot? I think it is our Council staff, but I want to be able to give suggestions. I want more suggestions to come, because the Community Advisory Committee—they agreed with the things I was saying were problematic. Right now, we are giving so much focus on just the canoe hale, but we have not talked about the makai side of the park. Because Namolokama was activated and they did a very good job of testifying, we have a lot of written input from them. What is your reaction to what I am saying...to be able to listen to more ideas and to take this and adapt it to more community-friendly ways?

Council Chair Kaneshiro: I want to interject here. It does not need to be a Council Meeting. They can have another CAC meeting.

Councilmember Cowden: We need to be there. I want us to be there. The community wants us to be there.

Council Chair Kaneshiro: You can be there at a CAC meeting.

Councilmember Cowden: I want all of us to be there.

Council Chair Kaneshiro: If they are doing an open community meeting, you can be there.

Councilmember Cowden: I think the community is requesting that the Council come to the North Shore. That is the request. It is for the Council to actually look at it. Right now, when we are looking at a rendering, it looks like there are some trees. What has not been answered is that I believe the different shades of green, those are little pavilions, at least that is what I was told. I think there is value in
discussing those little pavilions, unless those are trees. It is hard to tell. We need more pavilions. We need more trees. There is actually a lot of quality conversation with different groups, not just Namolokama, that are willing to help the area. There are different nonprofits and people willing to come in and help with taking care of the trees like the Ho'olokahi Program did. When we just look at a drawing, we do not really see what we are talking about.

Council Chair Kaneshiro: Again, I am going to say that I do not think we necessarily need to have a Council Meeting at the location for that type of information or for Councilmembers to see what it looks like out there. I do think that the Administration can have more meetings out there. It looks like they have had meetings out there and they can take everyone’s input again. They can get everyone another chance to provide input on what they want to do there and what they want to see there.

Councilmember Cowden: So you are saying...can I ask the rest of the Council? Are you all willing to go out there? We should go out there. We should look. We cut the community out totally. This process locked a lot of the community out. This process was not a fair process. It was a discriminatory process. It creates more anger. If we just went out there to look, I think we would be making...

Council Chair Kaneshiro: I want us to be very careful when we start saying this is a “discriminatory process.” I think they had the open meetings. You mentioned that the groups you were representing were at the meeting, but maybe did not talk on the microphones. I do not want anyone to think that there was discrimination. There was no discrimination.

Councilmember Cowden: I did not represent them. I was present and I saw it. I went out and I listened. I saw how much distress there was. I was out there with the community that was deeply distressed. I was not the leader. I do not represent them. I know that they are there. I am hearing from them still. I appreciate it, and I think it was Jay Furfaro and I cannot remember who the Council Chair was, but somebody would bring the meetings out into the public. It just seems like we have shut the public out so deeply from our community process and the casualty of making a bad decision here is the health of Hanalei. Hanalei has been displaced. The residents have been displaced. This is the last little toehold for many people with generational ties to the community. They want to be a part of this park. Just creating a park is what will keep them there. We talked about ideas. Pat, if there are ideas that come in, can we give you the ideas? You are saying that we have to go to Scott, but it does not seem like it is happening. No one knows how to get through to these people. When we look on the page in here about...even when we were trying to look at their online website together, you, me, and Wally, we could not access it. We could not get into it to make it work. It was difficult. They have just a minimum amount of comments back.

Council Chair Kaneshiro: Your question was?

Councilmember Cowden: I am asking about the process. Can the community still come up with a number of good ideas on the phone with the CAC with
how to manage these little outbuildings, what we have there, and the plants. Can we talk to the Department of Parks & Recreation? It seems like it has not been heard in this process. We can take what they have, but we can add to it. These are simple and manageable ideas.

Mr. Porter: Yes, it sounds like these are more specific details that the Master Plan is not really meant to address. When it comes time for the planning and design of the park, and to really get into those specifics, then yes, we will always welcome input from the community for those items.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: I want to reiterate, this is not a community plan where it is coming through the Planning Department and the Council needs to approve it. This is a briefing for the Council. It is a community plan that is coming through the Department of Parks & Recreation. It does not need our approval. It does not need us to have a meeting out in Hanalei to say, “We want this or we want to amend that.” It is separate from a community-type meeting.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: You can still E-mail over comments.

Councilmember Cowden: I am going to ask again, because I heard something different when we have been in conversation. What I believe I heard from the Administration was ultimately, it is up to the Council what we want to fund. If we look at the Plan and say “We want to fund these three (3) things...” in a phase 1 and we see how it adapts, it does not stop all the rest. This is a very expensive plan here. If we do some, the community adjusts, and we see some other things, then we can do a second phase, and the community can adjust. We would see how the river responds instead of doing all of this and have the river react. You said it is really up to the Council about which phases they want to fund and how it goes. That is what I heard.

Council Chair Kaneshiro: The Council is going to need to...

Councilmember Cowden: I am asking him.

Council Chair Kaneshiro: The Council is going to need to approve any money that comes through that is going to the park. Right now, the cost estimate to do all of these plans is five million two hundred thousand dollars ($5,200,000). That five million two hundred thousand dollars ($5,200,000) is either going to have to be put into the budget where we will discuss it...We probably do not have five million two hundred thousand dollars ($5,200,000) to spend on the park right now, but they may say, “We are going to do one million dollars ($1,000,000) in planning.” They put it in their budget. When the budget comes to us, we see that one million dollars ($1,000,000) for planning for Black Pot Beach Park and that is where we start asking what the money is for and we decide whether we want to keep that one million dollars ($1,000,000) in there or do we want to add items for them to do. If we want
to add more money for them to do more things, then we are going to have to do what we do in every budget. We are going to have to cut costs here to add money there. That is when the legislative body, the Council, gets our hands into what they are doing. Does that prevent us from providing comments to Pat about what you are hearing in the community and they want moving forward, no, you can E-mail Pat, you can E-mail Mike, and you can talk to them about anything you are hearing out in the community that you feel should be incorporated into the Plan or that they should be thinking about as the Plan is moving forward. This is just a plan. Right now, nothing of this is going to get done, because we do not have any money budgeted to do any of these items. When that money gets budgeted and when they come and tell us they are ready to implement something, it is going to end up in the budget or come through as a money bill. They will let us know that they really want to get this done now and that they think they can get a really good price on this planning now. They will be bringing it in as a money bill. If not, they will wait until our next budget session where we will see it in the budget. We are going to ask them what the money is for, what they are going to do with it, and how they are going to phase this in. That is how we “get our hand in the game.”

Councilmember Cowden: Thank you for that explanation. I want to thank the Department of Parks & Recreation and the Building Division for not tearing that building down yet. I know that has been deferred many times. You have probably heard me and many others on that. Thank you for that. I am acknowledging that. Where does that funding for tearing that building down come in. Is that something that we approve or is that something independent of us?

Mr. Porter: request or through a bill.

Councilmember Cowden: that building?

Mr. Porter: We have not identified any funding for that yet.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Members? Councilmember Kualii'i.

Councilmember Kualii'i: It is not really a question, but I just wanted to add to what you were saying about it all coming back to the Council prior to voting during budget. If there are...like the pavilion, it is a new building and when Scott was presenting, he was telling not just the Council, but even to Planning...there would be permitting processes and approvals...that is yet another place where the community can engage and say whether they support or do not support something. I just wanted to add that.

There being no objections, the meeting was called back to order, and proceeded as follows:
Council Chair Kaneshiro: Is there any final discussion from the Members on this Plan? Councilmember Eveslin.

Councilmember Eveslin: I think we all focused on pulling apart little bits of the Plan or maybe some big holes in the Plan, like the space for Namolokama. I just want to be clear that I do think the main thrust of the Plan is good. The park improvements that have been done so far are good, in my opinion. We use the park so much more in these last few years than we ever did before. We have two (2) little children and that beach is just the best possible beach for two (2) little children right now. It is a safe place for them to be. It is full of local families with little children. I think it is a great environment. It is hands down my favorite beach park on Kaua'i. I like the focus that we are putting on it with this Master Plan. That whole area of expansion is such a special area. I appreciate the attention it is getting and the direction we are going with the Master Plan. I do really want to thank everyone involved here. With that said, I certainly am, as I expressed in my questions, concerned that I do not think a future site for Namolokama was adequately addressed. From my read of the CAC meetings, it seems as if there were alternative after alternative presented at every meeting showing a new hale or the existing hale for them, and never an option that showed no hale until the very end of the process. I am encouraged by what the Department of Parks & Recreation said here and that this is not the end of the road. This does not mean that they are going to go in the shed and that they were willing to go back out to talk to the community and Namolokama to try and figure out an adequate site for them, whether it is the existing hālau or new structure made, if possible. That is not my decision to make. That is the decision of the Department of Parks & Recreation in conjunction with the community and Namolokama. I appreciate that from the Department of Parks & Recreation. Just to respond to a couple of things...some of the testimony that we received inferred that a canoe club takes away public space or that it is not public space. That is not right. A canoe club is public space. They are open for anyone to join. Anyone can join a recreational program and get out on the water. You can join an adult program where you pay one hundred fifty dollars ($150) to two hundred dollars ($200) for dues which goes towards maintenance of the equipment and you get free coaching. Anyone associated with that club always has use of those clubs. They are all gathering spaces for the community. They help expose people to the ocean as a healthy activity. Most of all, it really does help create a vibrant community around each club. It is like a big extended family and each club is associated with all of the other clubs. We just have this huge network of amazing families across Kaua'i with all the clubs. I think that they help improve spaces in that they provide a constant source of activity. Instead of having these sorts of dark corners of parks which fill up with bad activities, you have a canoe club which is always a source of vibrant, good activity. You see that all across the state and it is displacing bad activity. You are never going to see drug use or bad things happening at that canoe club, because of that constant presence of people. I am optimistic that we are going to come up with a solution that works for everybody. I appreciate the work that has been done so far and I look forward to hopefully seeing one day, the site of a new Namolokama Canoe Club in the park.

Council Chair Kaneshiro: Councilmember DeCosta.
Councilmember DeCosta: Thank you all for the hard work. I know we get passionate about what we are involved in. I am not a “canoe guy.” I paddled in high school way back when, but I am not a “canoe guy.” Councilmember Evans is a “canoe guy.” When we talk about public spaces in the mountain, I will get excited because I am a hunter. I want you to know something else, this is just one area of Kaua‘i. This is a Master Plan for Black Pot Beach Park that we purchased with Public Access, Open Space, Natural Resources Preservation Fund funds for our North Shore residents and the rest of Kaua‘i to use. We have other estuaries, like Waimea. The Waimea River Mouth does not offer users a building to store their canoes. No one advocates for Waimea. Hanāpēpē, they have a small area there that they work with. I am just trying to tell you that when we advocate for our constituents out there, we need to advocate for the entire island. This is a nice area and it is nicely done. I did follow up with many of our constituents, locals in the North Shore area...fishermen, I do not hear us talking about our fishermen. We are only talking about our canoe paddlers today. We have fishermen who cannot even get in and out of an estuary with larger boats. That is a State issue that Pat, Councilmember Carvalho, and I have talked about trying to get the Army Corps of Engineers to address. The smaller boats can get out of that boat harbor there. The point that I am trying to make is that we want to address the canoe club. We want to get them a bay in that longshed if we cannot have them on that month-to-month lease. We have to be careful on restoring that building, if we decide to restore it. We need to follow the Federal guidelines within the flood zone area. We want to be able to have an easier route for our canoe club to not have to carry a four hundred (400) pound canoe. Pat addressed that with the swing gate that could be an easy fix. Again, I would like to add, let us be very respectful when we discuss this Plan and discuss with each other. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: This new area of the park has been a private park of rich community use for longer than I have been alive. In many ways, this has been a key heartbeat of Hanalei. The canoe club space has been a heartbeat. Our funerals, weddings, birthday lu‘au, et cetera have been happening in this private park in the most rich and unique way is part of the very essence of what is Hanalei. In the changes that have been made, even in the forward area, I am happy to hear that there are new young families that are utilizing that part of the park. I think there has been a shift. There is a shift to new users. We need to really welcome and embrace the new users that now are able to use that park, probably because of how much we have changed it. I am probably very attached knowing how many people have been displaced, which are generational extended families that live far from the area, because they have been priced out of the community. I think there are some bones to work with here. I am encouraged to hear that we can continue to figure out ways where we can create uniqueness that I do not see in this design here. Fishermen, yes, I care very much about the fishermen. I have been speaking with the fishermen. It is complicated. I appreciate the work that has been done from a distance on this. I understand that it is not easy. I appreciate all of the people who have come and spoke out, and those who have put time into this. I am glad that it will be an ongoing process that is not finished. Certainly, the canoe club needs to be able to stay somehow in the park with what is there, as do all the other uses. I want
to acknowledge, we had a testifier Kamealoha, and he speaks for many others too, but there are multiple uses at this park. This park is not just paddling, but paddling is certainly a central part of it. Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I just want to say that I appreciate the Department of Parks & Recreation team for the update and briefing. Having been involved from day one, I want to say that the intent was always to enhance, provide opportunities, to “open the door,” and to expand this beautiful part of the island. I am looking forward to doing the same in other parts of the island as well. It was never to eliminate, but to shift around Namolokama over here or over there. That was always a part of the overall discussion. I think we are on the same path. We are on the right path. We are trying to figure out all the different challenges, as well as opportunities that will come from this discussion. This is just the beginning. I know that the community is willing to provide more input. The Administration and the Council are willing to work closely together. Overall, I think the intent was really to make sure that we keep the door open, keep moving forward, and that there is more to come. The Plan is right before us, and again it was never to eliminate anyone from the park. How do we adjust and move along to make it fit for our community? I think we are on the right path right now. I am hoping that the next steps will come sooner, rather than later. I know that the budget request, money, and funding will also come later as well. We had a good, healthy discussion, and now we can move forward. I think we are on the right path. Mahalo.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Thank you to Scott and his team, and of course our Department of Parks & Recreation. I think the Master Plan right now in its current version is visually appealing and I think that a lot of thought was put into it. The clubhouse and Namolokama hāla‘u wa’a location was and still is the number one issue that we knew from the get-go would be on our plates. I have to say that I am a little bit disappointed that it is still here and that it has not been resolved. My hope is that we would have been further along in that resolution. I understand that it is also difficult. When these kinds of plans come to the Council for merely a briefing or review, what it does is that it starts to cross the boundaries of what the community’s expectation of policymakers are in their role here. That is why I asked the question about what our role here is. Is it to review, amend, et cetera? Early on when I met with the Department, I asked, “Can we amend this Plan and is that within our right here?” That is not what it is. In fact, I appreciate that from the standpoint that if this is a community plan, then it should remain so and continue on as a community process. I am encouraged by the commitment that I have heard from Pat and his team to continue that to reach some sort of outcome that I think can benefit while retaining this separation of powers. The location of the hāla‘u wa’a or any other cultural activity that the community’s interest has I think are really important aspects that we need to solidify, so that it becomes more user-friendly for the future. I am looking forward to that and also to how... what I am hearing from around the table is how do we engage in a productive way. To lay out those steps are really key for us to know, so when we sit around this table and listen to things, we know how to
plan for an outcome to occur. The request for meeting offsite, I do not think it is a bad thing, but I think that we can do that individually. I would encourage all of us to do so, to visit, and to hear from those that were brought up today. Thank you for the chance to share.

Council Chair Kaneshiro: Councilmember Kuali’i.

Councilmember Kuali’i: I want to say mahalo nui loa to everyone involved in putting this Plan together so far and all the work that has gone into it as far as hearing from the community and the future work that will come from this Plan. In general, personally, I think it is a beautiful plan. The improvements that are already in place are beautiful. I share the sentiments of Councilmember DeCosta as far as looking at this as a public park and investment by the County in a place that will be used by the entire island. As someone raised in Puhi and Lihue areas, and I live in Anahola now for just a few years, the North Shore and Hanalei Bay was not somewhere I would go to very often, and as of late, not very much at all. When I went there many years ago, I would drive down the main Weke Road there, get to the end, and there was nowhere to park. We would turn around and leave. The gem that is the whole entire area should be available to not just the locals from the immediate area, but the locals from the entire island. Of course, it should also be available to our visitors. The way that this is improving with the added parking, facilities, etcetera, is making it more useful for everyone. I think that is important and the role of government. Along the way, we have to make sure that we continue to hear from the community and have collaborative efforts so that eventually the entire area is shared by everyone with compatible public uses. Again, I think it is a beautiful plan and I am looking forward to the continual work. It will come to us in pieces, because it is so expensive. It is an investment for the future for our families and children. Thank you for all of the work so far.

Council Chair Kaneshiro: Is there any other final discussion from the Members? I do not want to get this confused with the West Kaua’i Community Plan or the General Plan Update, but a plan is a forty thousand (40,000) foot view of what you are going to do. The implementation is where you get into the details of what are the outstanding items. The Plan did identify unresolved issues which included the river mouth, channel improvements, the future of Namolokama Canoe Club, and parking and transportation solutions. That is when you get down to the ground level of what are we going to do, how are we going to implement this, etcetera. The Council and the Administration are going to have to figure out how we are going to fund these improvements and where those moneys are coming from. When you look at this Plan, we cannot always pick it apart and say we need to know exactly what is going to happen and know all the details. We will never have a completed Plan. Those are conversations that are going to go on and on. It may be difficult to get a consensus on it. You do not want to hold up a good plan that makes parking way more convenient, adds a lot more parking stalls to the area, identifies where restroom facilities are going to go, where additional pavilions are going to go, etcetera. You do not want to hold up this whole big plan on what this area should be used for based on where we should plant these trees, what type of trees they should be, etcetera. Those are on-the-ground types of discussions. This plan is a twenty thousand (20,000) or forty thousand (40,000) foot type of discussion. What do we want to see out here? I
just want to bring us back to that. It is not a plan like the West Kaua‘i Community Plan where the County Council votes on and amends. I do want to say that this is a community plan. I am glad that it is not here for us to approve. A lot of times when we get the community plans it is a fight. We do not want to be the one changing a plan drastically in the final hour. The plan is a community plan and for the most part, you want to respect what the community has done with it. I think moving forward, the community is going to be very involved in what happens, how it is implemented, what is going to be on the ground and done at the ground level on this plan, etcetera. I do not want anyone to feel like this Plan is done and we have no say in this Plan anymore. That is very far from the truth. Even at the County Council level, as Councilmember Kuali‘i mentioned, when it comes up here for funding, the public is going to be able to tell us whether they like or do not like what they are doing with the moneys being provided. There are going to be a lot of changes to express what you want to see moving forward. It is going to take the community to decide on what they want. This is just a forty thousand (40,000) foot plan. Councilmember Cowden.

Councilmember Cowden: I just have a clarification relative to parking. The Sheehan and Wilcox families have been incredibly generous with allowing for parking. All of this parking that we see on this drawing, that was all parking before it was needed. It is ancillary, but Gaylord and Carol Wilcox, when we have canoe races, funerals, or different events, they open up a couple of acres for parking that is filled. The Sheehan property, when there is a big event, a race, jog-a-thon, or anything, all of that was parking. There was twice as much parking on that private piece of land, plus up to one hundred fifty (150) or one hundred seventy (170) pieces right on the beach. We have not added any parking. We have eliminated half the amount of parking, if not more. It just really needs to be clear that that is the case. Since we have constrained it since the County took it over, Weke Road has filled deeply almost the whole way down when we have a lot of visitors. We have reduced the parking to probably half. Thank you.

Council Chair Kaneshiro: I want to note that that is on the summary of unresolved issues. It mentions parking and transportation solutions for Weke Road. It mentions about event parking and where they are going to put all of that parking when there are actual events. Those are the ground-level types of decisions that have to be made. Looking at it from a higher level, you have an improved parking area in the Plan that I can appreciate. Councilmember Kuali‘i.

Councilmember Kuali‘i: I forgot one more thing about private versus public. Before I say that, I do want to say, too, that it is important that when you have a master plan and you have an improved park, there is “parking” and then there are “parking.” If you are not from the area and you come into the area and you see a beautiful parking lot with stripes, you know you can park there if there is a space available. If it is private land in a pasture and they let some people park there, I am not going to just park there if I do not know that I can park there. I think it is important to have a park that has designated parking that people from far away know they can park there. On the private and public issue, as a government official who is representing everyone from the entire island, all of our constituents, I think it is also important to distinguish between private and public. Right now, Namolokama exists.
on this private parcel. I agree with what Councilmember Evslin said that it is an important enough function in our community that benefits our youth and is open, that public land and parks should help accommodate for them. I think once you do that, you have to be responsible to all of the public. When you talk about a private entity that has membership, which limits certain activities to just their membership, we have to be careful. It is public now when it comes into our parks. If there are any membership costs, we have to know that money cannot be the division between if you are rich and can afford versus if you are poor, then you cannot afford. If you are an organization that is using public property for any particular service, you have to make it available to all of our citizens. Diversity, inclusion, and the poorest amongst us should be able to participate for free if they cannot afford anything. Perhaps you have scholarships, financial aid, or grants for those types of activities. I just wanted to put out the difference between public and private. It is all a part of our kuleana.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I basically agree with Councilmember Kuali‘i. I did mention that there are membership dues often with canoe clubs. I want to be clear that those dues go towards liability insurance and equipment entirely. They do not even cover all of that. Half of the people I knew growing up never paid dues. The canoe clubs always jump through hoops to make sure that everybody is included. Again, canoe clubs could not exist unless they were located in County parks. I think ninety percent (90%) or more statewide are located in County parks. The State of Hawai‘i gives special exemptions to canoe clubs to guarantee them the right to shoreline access recognizing their importance to the culture and community. I think it was mentioned before about ensuring that parties can happen there. I do think it is important and hopefully this all gets determined during the community input process. The canoe clubs, if they get a stewardship agreement for that area, they should be the one controlling what is occurring. If the County were issuing permits for activities there, it gets really confusing coordinating it with practice time, races, etcetera. I do not think you can have two (2) entities saying what can happen. I do think that you will see at every canoe club islandwide that there are a lot of functions happening there with people not directly associated with the club. They all act as public spaces in some capacity. I think you are right. Thank you.

Council Chair Kaneshiro: Is there any further discussion?

(Written testimony was received and there were registered speakers who testified regarding this agenda item.)

The motion to receive C 2021-236 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. We will take our lunch break. We still have to finish our Council Meeting. We have Committee Meetings, and we still have Executive Sessions to do. We will take a one-hour lunch break.

There being no objections, the meeting recessed at 12:33 p.m.
The meeting reconvened at 1:30 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are on page 2.

C 2021-233 Communication (09/15/2021) from the Chief of Police, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and utilize four (4) vehicles acquired through the State of Hawai‘i Department of the Attorney General’s Asset Forfeiture process, for law enforcement purposes.

Councilmember Kuali‘i moved to approve C 2021-233, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members? If not, any final discussion?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-233 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-234 Communication (09/30/2021) from the Executive on Aging, requesting Council approval to receive and expend funding from the State Executive Office on Aging, and Americans Recovery Plan in the amount of $111,870.00, and indemnify the State Executive Office on Aging for the provision of Senior Center Services that will be contracted to the Department of Parks & Recreation for an array of services, which may include exercise/physical activities and recreation/leisure activities at each of the nine (9) neighborhood centers during the period of December 1, 2021 through December 1, 2023.

Councilmember Kuali‘i moved to approve C 2021-234, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions on this item?

Councilmember Cowden: Kealoha, I am excited to see this. Can you give us a brief description about what is happening and the nine (9) neighborhood centers. Thank you for what you are doing.

There being no objections, the rules were suspended.

LUDVINA K. TAKAHASHI, Executive on Aging (via remote technology): Sure. We, too, are excited to receive these funds. These funds were appropriated by the State Legislature to all of the counties. I have been in contact with our Department of Parks & Recreation and they will be providing various classes at the senior centers located at the neighborhood centers. They are presently doing line dancing, Tai Chi, hula, weight
training, exercise, and pickleball clinics. What we have discussed is that at each of the nine (9) senior centers, they will provide any type of educational sessions during the week, and we will be reimbursing them for those sessions.

Councilmember Cowden: Can I put in a request for ukulele lessons in Kilauea? Do you know if that is going to happen again?

Ms. Takahashi: Yes.

Councilmember Cowden: Is that a part of it?

Ms. Takahashi: Yes.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any discussion from the Members?

Councilmember Cowden: I just want to give a really big “yay” as I know a lot of our ‘ohana and members of our community have been bored. What is provided at our senior centers is a point of joy. I am so happy that this is happening.

Council Chair Kaneshiro: Does anyone else have any final discussion?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-234 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-235 Communication (10/05/2021) from the Planning Director, requesting Council approval to receive and expend a grant from the Department of Health, Chronic Disease Prevention and Health Promotion Division, State of Hawai‘i, Special Funds in the amount of $30,000.00, to implement the “Quick Build” Demonstration Project via Memorandum of Agreement for the period of November 1, 2021 through October 31, 2022.

Councilmember Kuali‘i moved to approve C 2021-235, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members?
Councilmember Cowden: Kaʻaina, can you just very briefly tell the public and us what this thirty thousand dollar ($30,000) project is?

There being no objections, the rules were suspended.

KAʻAINA S. HULL, Planning Director (via remote technology): Thank you, Councilmember Cowden. The Quick Build Program is a program set up by the State Department of Health where they provide funds to municipalities to do essentially temporary projects that can help inform the agency, the County, as well as the public, about possible long-term infrastructure proposals or capital improvement projects. An example of this is using paint to put in temporary bicycle lanes or redirect traffic in manners that are more accommodating to multi-modal, pedestrian, or bicycle activities. We are asking for approval to receive these funds without a final approval by the Department of Health on the project. We have tentatively listed skatepark-type improvements over by the Waimea athletic field over by Waimea Canyon School as a possible project for these moneys to be spent on. It will essentially be testing the ability of halfpipes or skate ramps at this site based off the voluminous amount of testimony during the West Kaua‘i Community Plan for a request for skatepark facilities in West Kaua‘i. We did something similar to this already at Hanapepe Park in Hanapepe Town. Quite honestly, this is money offered to us at the last minute, so we do not have that much time to spend it. Looking at the feasibility of a skate ramp or skate facility at the athletic field looked like the quickest way to be able to utilize the money and also be able to address the voluminous request for skatepark facilities in West Kaua‘i. That is kind of it in a nutshell. We received a tentative read from the Department of Health saying that they would be okay with that. If the Council acts and approves this today, then we can get that finalized with the Department of Health in the next few weeks.

Councilmember Cowden: Thank you. That sounds great.

Council Chair Kaneshiro: Are there any other questions from the Members on this item?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? Councilmember Evslin.

Councilmember Evslin: I just want to say that I love these Quick Build projects. I think that they do a lot of good to try to quickly put something out there to see if it works and if it does, come up with some kind of final project improvements along those lines. I think it is a great idea and a great grant opportunity. It is good to see you folks going in that direction.

Council Chair Kaneshiro: Does anyone else have any discussion?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)
The motion to approve C 2021-235 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-237 Communication (10/06/2021) from the Director of Finance and the County Attorney, transmitting for Council consideration, A Bill For An Ordinance To Amend Ordinance No. B-2021-877, As Amended, Relating To The Operating Budget Of The County Of Kaua‘i, State Of Hawai‘i, For The Fiscal Year July 1, 2021 Through June 30, 2022, By Revising The Amounts Estimated In The General Fund, to provide the necessary funding to enable the County to meet its settlement obligations for the duration of the current Fiscal Year.

Councilmember Kualii moved to receive C 2021-237 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We will see the Bill later on our agenda. Do we have any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2021-237 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-238 Communication (10/07/2021) from the County Attorney, requesting Council approval for authorization to expend funds up to $50,000.00 to retain special counsel to represent Todd G. Raybuck, individually and in his capacity as Chief of Police for the Kaua‘i Police Department in the matter of Paul N. Applegate vs. County of Kaua‘i, et al., Civil No. 1:21-CV-364 (U.S. District Court for the District of Hawai‘i).

Council Chair Kaneshiro: We are going to hold off on this item. We need to take our Executive Session first, then we will take this item after.

C 2021-239 Communication (10/07/2021) from the Chief of Police, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept a donation from Hawaii Health and Harm Reduction Center (HHHRC) of thirty-six (36) pieces of Narcan (Naloxone HCL) Nasal Spray 4mg valued at $4,500.00, to assist in reducing opioid overdose mortality.

Councilmember Kualii moved to approve C 2021-239 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members?

Councilmember Cowden.
Councilmember Cowden: I just have a simple question. Thirty-six (36) pieces of Narcan for four thousand five hundred dollars ($4,500). How many kits are in a piece or does it cost that much for a two-unit piece?

There being no objections, the rules were suspended.

TODD G. RAYBUCK, Chief of Police (via remote technology): Good afternoon. Thirty-six (36) pieces is one (1) dose each. That includes a single dose. The dosage I think comes out to between one hundred dollars ($100) and one hundred fifty dollars ($150) per unit.

Councilmember Cowden: Wow.

Chief Raybuck: You could do the math, I may be wrong. It is somewhere in that ballpark.

Councilmember Cowden: I did not realize they were that expensive. I want to then really put an extension of gratitude to the Hawai'i Health & Harm Reduction Center. They are giving them out like water right now to help the community. Water might be an exaggeration, but they are giving a lot out. I have four (4). Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I wanted to ask you, will our School Resource Officers (SROs) that are at the three (3) high schools, and I know we are going to be putting one (1) at Kaua'i High School, will they have one (1) of these Narcan nasal sprays just in case a high school student happens to induce this opioid overdose? It would be nice to see them have that. Will they get one?

Chief Raybuck: Thank you for that question, sir. Fortunately, we are not seeing that trend where this drug is impacting our youth. Of course, as we have spoken, that is a concern for the future. All of our Police Officers are issued access to these and as long as we have the supply, each Officer in Patrol, including the SROs, are trained and equipped with the Narcan.

Councilmember DeCosta: I want to thank you for being on the forefront of this drug and the awareness of it. Thank you.

Chief Raybuck: Thank you. I actually would like to thank the community, the Members of the Council, as well as our community partners at the Kaua'i Resiliency Project and the Hawai'i Health & Harm Reduction Center. The outpouring of support and call for action in educating our community and turning around this alarming trend has been overwhelming. I think we are having a significant impact in raising awareness in our community and hopefully avoiding future tragedies of overdoses with this drug.

Council Chair Kaneshiro: Are there any further questions from the Members?
There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I am just really appreciative of this whole effort. I want to acknowledge Council Vice Chair Chock who is part of the Kaua‘i Resilience Project and listening in on our discussion yesterday, we are going to have some Fentanyl training in all of our high schools and possibly...at least there was an extension to the Police Department to come and join. I am heart warmed to know that we are going to be having Aaron Hoff from the Keala Foundation come in to teach the kids with videos and things like that, so that everyone is aware to not try anything right now. Nothing. Thank you.

Council Chair Kaneshiro: Does anyone else have any final discussion?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-239 with a thank-you letter to follow was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-240 Communication (10/08/2021) from the Emergency Management Administrator, requesting Council approval to receive and expend Fiscal Year 2021 Homeland Security Grant Program funds, in the amount of $570,000.00, from the United States Department of Homeland Security, via the State of Hawai‘i Department of Defense, for continued use in enhancing the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as “all hazards” catastrophic preparedness initiatives prior to December 31, 2023.

Councilmember Kuali‘i moved to approve C 2021-240, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members? Councilmember Cowden.

Councilmember Cowden: My understanding is that this is basically communication equipment. Is that correct? There are two (2) different tiers of it, but just again for the public, this is for all hazards. It is not narrowed to just terrorism or anything like that. Is that correct?

There being no objections, the rules were suspended.

ELTON S. USHIO, Emergency Management Administrator (via remote technology): Councilmember Cowden, we have multiple items on this, but two (2)
primary areas of investment. One is related to communications, the telecommunications equipment. The other is more related to County cybersecurity. They have a nexus to terrorism preparedness and response, but are also applicable to all hazards.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-240 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-241 Communication (10/08/2021) from the Emergency Management Administrator, requesting Council approval to receive and expend grant funds, in the amount of $150,000.00, for the Fiscal Year 2021, from the United States Department of Homeland Security, via the State of Hawai‘i Department of Defense – Hawai‘i Emergency Management Agency, to be used to support two (2) existing Kaua‘i Emergency Management Agency staff positions necessary to support the day-to-day prevention, protection, mitigation, response, and recovery activities.

Councilmember Kuali‘i moved to approve C 2021-241, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members? If not, any final discussion? Councilmember Cowden.

Councilmember Cowden: Again I want to thank the Kaua‘i Emergency Management Agency for getting Federal funding to help continue to have a resilient program. I know since I got elected, you have been on full alert or even longer than that. You are on three and a half (3.5) years on one (1) or multiple emergencies going on. Good job and good job in getting some extra money.

Council Chair Kaneshiro: Does anyone else have any discussion?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-241 was then put, and unanimously carried.
Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-242 Communication (10/08/2021) from the Managing Director, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2021-877, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2021 Through June 30, 2022, By Revising The Amounts Estimated In The General Fund to account for and appropriate the revenue from the County of Kaua'i Transient Accommodations Tax (KTAT).

Councilmember Kualii moved to receive C 2021-241 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: This item will come up as a Bill later on our agenda. Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2021-242 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

LEGAL DOCUMENT:

C 2021-243 Communication (10/07/2021) from the Planning Director, recommending Council approval of a Dedication Deed, from Stephen L. Palama and Kathy S. Palama, conveying to the County of Kaua'i, Lot 130-G-2, Kalāheo Homesteads (Second Series), Kalāheo, Hawai'i, for roadway purposes, situated at Tax Map Key (TMK) No. (4) 2-3-020:001 (portion):

- Dedication Deed

Councilmember Kualii moved to approve C 2021-243, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I want to thank the Palamas for their participation in this. Ka'aina, can you give us a little explanation on what is going on in this item. It looks like a cul-de-sac or an easement.

Mr. Hull: This is a pretty standard subdivision in a Residential District. It is a four-lot subdivision. Through the subdivision process, various agencies will look at infrastructure needs in the area, and quite honestly, the Department of Public Works might be better to explain this, but my understanding is that it was a Department of Public Works requirement that it was recognized that
Waha Road did not actually exist in paper or in metes and bounds as it is currently being used. A portion of Waha Road was on this property. During the subdivision, the need to officially accept that portion of Waha Road that already exists on the ground as officially a part of the County roadway.

Councilmember Cowden: In a sense it is like a housekeeping measure. It would not be a noticeable difference to anyone in Kalāheo, that probably benefits many?

Mr. Hull: The public is already driving on that section of the road already.

Councilmember Cowden: Okay, thank you. I was a little unsure.

Council Chair Kaneshiro: Are there any further questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: I just would like to say thank you to the Palama family for contributing in this aspect. Thank you so much. A lot of times we do not give the thank you like we should.

Council Chair Kaneshiro: Is there any further discussion?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-243 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE REPORTS:

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2021-09) submitted by Finance & Economic Development Committee, recommending that the following be Approved on second and final reading:

"Bill No. 2832 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-2.4, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE CERTIFICATE OF OWNERSHIP AND REGISTRATION FEES,"
A report (No. CR-FED 2021-10) submitted by Finance & Economic Development Committee, recommended that the following be Approved on second and final reading:

"Bill No. 2833 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, SECTION 17-1.1 KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE GENERAL PROVISIONS RELATING TO MOTOR VEHICLES AND TRAFFIC REGULATIONS,"

Councilmember Kuali‘i moved for approval of the reports, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion for approval of the reports was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2021-11) submitted by the Committee of the Whole, recommended that the following be Approved on second and final reading:

"Bill No. 2835 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWA‘I, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (Special Election - Prosecuting Attorney - $475,000.00),"

Councilmember Kuali‘i moved for approval of the report, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the report was then put, and unanimously carried.
Council Chair Kaneshiro: The motion is carried. Next item.

RESOLUTIONS:

Resolution No. 2021-29 – RESOLUTION REPEALING RESOLUTION NO. 2014-08 AND ACKNOWLEDGING THE NECESSITY TO EXPEDITE PERMIT PROCESSING FOR WORKFORCE HOUSING

Pursuant to Governor David Y. Ige's COVID-19 Delta Response Emergency Proclamation dated October 1, 2021, public testimony was taken at the beginning of the day and as follows:

Council Chair Kaneshiro: We have Kamealoha Hanohano Pa-Smith speaking on this item.

Mr. Hanohano Pa-Smith: Can you hear me? Maika'i. I am here representing a coalition of nonprofits, community groups, and 'ohana who work with families and individuals who are either experiencing homelessness or are housing and food insecure. We have an ad hoc name, East Kauai Community Hui and our coalition consists of three (3) nonprofits, Ho'omanahana, the Hanalei River Heritage Foundation, and ‘Aina Ulu Kaua’i Agriculture Cooperative. We are a United States Department of Interior-registered Native Hawaiian-serving organization and the services that we provide are open to all residents. I am here today representing this Hui. We support Resolution No. 2021-29 to expedite the permitting process for workforce housing. Just to share our connection to what this particular Resolution is...last year we started in our individual capacities, but more recently, when the COVID-19 situation started in March 2020, we came together as partners and started to do various iterations of food sustainability and food security projects. We did that through most of the year. We did sit down with a few Councilmembers and drew up plans to do a transition plan for the homeless from houseless to housed. During that time we conducted a lot of interviews, surveys, and focused interviews and research regarding solutions to homelessness in Hawai‘i. During that time we met with elected leaders, that would be a few years before housing was constructed for this purpose. We wanted to prepare the homeless community for the next steps. This meant that the homeless community would have to live in some fashion in the environment, with maybe some transitional housing options. We worked on the sustainability food program, so the homeless had some strategies to access fresh vegetables and fruits. We received a grant from the Kohala Institute for that program, and that continues today. We received a grant from the Hawai‘i People’s Fund to put together essential items for survival kits, that included things like tents, solar chargers, camping stoves, tent covers, and flashlights. We also received a grant from the Office of Hawaiian Affairs to start weekly outreach events to provide access to social services and medical care for homeless who live in the area. We recently got an Administration for Native Americans (ANA) grant to start a homeless farmers market to work with social- and economically-challenged Native Hawaiian and
Pacific Islander farmers to work on creating value-added products at our farmers markets and online venue. The ANA grant that we received also gives us the ability to work directly with the homeless community to assist with housing, food, and employment insecurity, as well as to provide more regular access to healthcare services. I say all of this because I think that the precursor to...this Resolution that Councilmember Kuali'i put forth is a very important Resolution, but I also think that during the time when there is no housing, we have to do something. This is our "something." We plan to unveil this plan to the community on Friday, parts of it at least, at the Ho'omana Thrift Store and Community Facility at 1:00 p.m. We are trying to showcase some of those solutions and we hope that some of you will join us if you are free. You can participate both via Zoom and in-person. It is going to happen on the day that we have our outreach event. Everything that I have said thus far is meant to, hopefully, provide some opportunities to talk to the County, so that we can share or leverage resources, and to provide support for the Resolution and to make sure that we are trying to work collaboratively, so that you see that the work that we are doing is a part of the solution. Not "the" solution, but a "part of." I think if you come to Friday's meeting, that would be really significant. Mahalo for putting that Resolution forward, Councilmember Kuali'i. Thank you for giving me the opportunity to speak. Mahalo.

Council Chair Kaneshiro: We have Councilmember Cowden with a clarifying question to your testimony.

Councilmember Cowden: This should be a short clarifying question. I appreciate all that you are doing. I fully back you in the work that you are doing. Are you asking for another line or word in our Resolution? Am I hearing that? Maybe we need another "Whereas" that we need to be able to put people on the land in a culturally-sensitive agriculture way? Is that what I am hearing? You said that we do not have enough. Are you saying that we need another line in here acknowledging more temporary housing?

Mr. Hanohano Pa-Smith: Yes, sure. I think it would be a positive thing if there were items in there that would speak to the transition process. That way we are not just talking about the end solution, which might be workforce housing, but also the process, right? I have been focused on the process. I know that as an individual nonprofit, we might not be able to come up with the big resolution, but we can certainly work on and participate in coming up with a transition. Something along the lines of acknowledging this transition period, I think would be important. I also think it would be helpful to have positive and constructive dialogue with the State and other stakeholders who are also interested in this issue. Some State organizations are going to be there on Friday, including people associated with the Governor...well, I do not know if they will come.

Councilmember Cowden: Okay, I do not want to make this go too long.
Mr. Hanohano Pa-Smith: So sorry.

Councilmember Cowden: We are saying we need four thousand two hundred eighty-one (4,281) new units. You are saying we need to maybe amplify that in that there are sometimes unhoused people...this may not be clear enough that just because we need the units, it is not acknowledging that people are houseless? Am I hearing that?

Mr. Hanohano Pa-Smith: Yes.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any further clarifying questions? If not, thank you for your testimony.

There being no additional public testimony, the meeting proceeded as follows:

Councilmember Kualii moved for adoption of Resolution No. 2021-29, seconded by Councilmember Chock.

Council Chair Kaneshiro: Councilmember Kualii, if you could go over the Resolution or you could have Adam go over it.

Councilmember Kualii: We can have Adam answer any questions. Basically, this is a Resolution to expedite the permitting process to move forward affordable housing projects. Those are projects where fifty-one percent (51%) or more of the project is affordable housing. This is just for a 5-year period.

Council Chair Kaneshiro: Are there any questions from the Members?

Councilmember Cowden: This is an extension of a Resolution that was already existing, correct? I believe it was as it references this other Resolution. Adam, I have a couple of questions. Did you hear the testimony earlier today?

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director (via remote technology): I have been listening to the Council Meeting all day. What specific testimony are you referring to?

Councilmember Cowden: There were two (2) comments earlier today. Perhaps some of them were written. I believe Kamealoha spoke about placing in semi-permanent language for people that are currently without housing on
agricultural land or at least recognize the number of people who are without housing. I felt like I heard that was coming out of his piece. He saw this was not calling enough attention to how dire the problem is. Did you hear that part?

Mr. Rogersi: I did hear his relatively lengthy discussion about his homeless outreach work and the array of nonprofit groups that he is working with. To be clear, this proposed Resolution is driven by the existing Housing Ordinance that simply provides authority to fast track building permits.

Councilmember Cowden: Okay.

Mr. Rogersi: It is not designed to resolve our affordable housing crisis or really to specifically address homelessness in any direct way. It is a creature of our existing Housing Policy and is just one small tool of many that we are hoping to utilize to help streamline the creation of affordable housing, which by extension we hope will help to address homelessness.

Councilmember Cowden: Okay. I accept that. Then there was a few letters today that had to do with, I am sure you are aware of it, but a water contamination problem in Ho'oluana at Kohea Loa and that their homebuyer contracts...I am really trying to read through it and I know you are an attorney...it looks like those homebuyer contracts are very difficult to maneuver. I read some of the E-mails that just came out last night. There were films in there how these affordable housing and it named one of our builders, specifically, the same one as having the contamination, across the country it is a problem. I am just following through on what this request was. Do you see anything in this Resolution that could be saying that there would be some sort of assistance in unfair or bad contracts as is perceived by the people who are buying it and having problems? This letter was somehow tied to this Resolution. I do not know if you received a copy or not. They did not speak.

Mr. Rogersi: I will defer to Matt to offer a legal opinion. Preliminarily, I do not believe this Resolution has anything to do with interpreting purchase contracts for homes. It simply affects the speed with which permit applications will be processed by County departments.

Councilmember Cowden: I think what they are asking for is an extra step. That there would be some sort of legal review, so that this would not become chronic. Apparently, it has become chronic in many other places. I could ask Matt, in the building permit process, is there any place where there is an opportunity to review difficult contracts, especially when we are doing it for first-time homebuyers or if we are renting it, I guess it is for us, right? Could you speak to that? Is there any opportunity to review for what I am reading is a “no-win” situation for the
recipient of a built property if they go through the process? Did you look at any of that?

MATTHEW M. BRACKEN, County Attorney (via remote technology): I have not seen what you are referring to. No, the County does not review private agreements. There really is not a process for it in the way that building permits are reviewed. That is not what that process is set out for.

Councilmember Cowden: Even if we are the customer? If we are doing workforce housing, is the County in any way the customer? Or are we not the customer in workforce housing when they are rented?

Mr. Bracken: If the County is providing workforce housing, then we would have relationships with the contractors and yes, my Office would review those contracts.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: I believe in the D.R. Horton instance, they just satisfied the affordable housing requirement, and it was not actually the County's development. Are there any further questions on the Resolution?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion on the Resolution regarding expedited permit processing for workforce housing of fifty-one percent (51%) or over. Councilmember Kualii.

Councilmember Kualii: I think of this as an important and simple Resolution that I think should be easy for everyone to support. I am really hopeful that we have a unanimous decision today. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just want to thank Adam and Councilmember Kualii for their work here. I think we hear it all the time that one of the huge barriers for housing development is the time-consuming nature of the process. Anything we can do to reduce that, especially for affordable housing projects is a good thing. Thank you.

Council Chair Kaneshiro: Does anyone else have anything to add? Councilmember Kualii.
Councilmember Kuali‘i: As someone noted in their testimony, we have some really nice examples of what can be done when we have the ability to expedite, when the Governor allowed us to do the ‘Ohana Zone housing, Kealaula, and other projects like that. Based on our need we obviously need a lot more of those kinds of projects. Anything we can do to help the Housing Agency and the Administration to move quicker is important. Thank you.

Council Chair Kaneshiro: Does anyone else have any final discussion? If not, I will take a roll call vote on the Resolution.

The motion for adoption of Resolution No. 2021-29 was then put, and carried by the following vote:

FOR ADOPTION: Carvalho, Chock, Cowden, DeCosta Evslin, Kuali‘i, Kaneshiro TOTAL – 7, AGAINST ADOPTION: None TOTAL – 0, EXCUSED & NOT VOTING: None TOTAL – 0, Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Kaneshiro: The motion passes. Next item.

Resolution No. 2021-30 – RESOLUTION ESTABLISHING A CROSSWALK AND A PEDESTRIAN LANE ON KÓLOA ROAD, KÓLOA DISTRICT, COUNTY OF KAUAI

Councilmember Kuali‘i moved for adoption of Resolution No. 2021-30, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock moved to amend Resolution No. 2021-30, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kuali‘i.

Councilmember Chock: This floor amendment is to add in Exhibit “A” as you will see the map included here, regarding this crosswalk.

Council Chair Kaneshiro: Are there any questions from the Members regarding the amendment?

The motion to amend Resolution No. 2021-30, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and unanimously carried.
Council Chair Kaneshiro: The amendment passes. We are now back to the main motion, as amended. Are there any questions regarding this Resolution? Councilmember Cowden.

Councilmember Cowden: Again, I would just like to see a very quick review for the sake of the public to identify where this is at and if there is anything that the Department of Public Works would like to put forward to us. I would like to thank the Department of Public Works for addressing this need that I believe was upon request. Michael, do you want to just tell us quickly where this is?

There being no objections, the rules were suspended.

MICHAEL MOULE, Chief of Engineering (via remote technology): Thank you. Sorry, I did not quite hear the question at first. A while back, there was a request for a crosswalk in this general vicinity. This was a couple of years ago now. We actually replied that we did not think we could do it because of the constraints at the site and the difficulty in finding a specific location at the site where a crosswalk would make sense. People really want to cross nearest to the business they are going to. We actually came to you in September of last year. You approved a Resolution for everything else related to this project. This is the Maluhia Road and Kōloa Road Improvements Project. This included a bunch of turn lanes, a roundabout that was recently open, and we came to you last year and got that approved prior to installing any of those things. This is something that we are adding to that project. In summary, the design of that project, these were rural-oriented shoulder widening and paving projects, we do a less detailed plan than we would for say the Līhu'e Town Core Development Project that was constructed a couple of years ago. We did more detailed plans for the roundabout area at Kōloa Road and Ala Kalanikaumaka. In this area, the plans just are not that detailed. Honestly, we did not realize that there would be as much pavement left over on the makai side of Kōloa Road as there was. Once we started putting the final striping in, because we ended up adding a significant amount of pavement on the mauka side in order to have one (1) continuous curve through this area and add a turn lane so that people accessing the businesses there in Lāwa'i...it is a small business district...could do so safely. We had all this extra space here that we did not notice in the plans, because of the small scale of the plans, we said, "We can do better." We said, "We can take some of this space, mark this pedestrian lane, and use that pedestrian lane for the landing for the crosswalk on one side of the road, then we can build a five feet by five feet (5'x5') concrete landing on the mauka side of the road. We would prefer to be able to provide sidewalks in this area, as well as other areas of Kōloa Road, but the scope for this project and the drainage concerns with providing actual sidewalks is pretty difficult. For the most part, along this road, if people do choose to walk, which they have occasionally for a long time, they would use the new paved shoulders that were added as a part of this project. In this one area, directly in front of the businesses that are here...there is the Lāwa'i Market which recently reopened, there is the Warehouse 3540, which was
opened a couple of years ago with a bunch of shops in it, there is Aqua Engineers’ office, there is the fitness studio. In front of all of those businesses, we think we have room for this walkway, in addition to the normal paved shoulder. That would be separate from the walkway. We felt that we could put this crosswalk in and we have adequate sight distance for the crosswalk. While this was kind of a longstanding request, it was not a recent request, but an older request, we felt we were not going to be able to accommodate it. We realized later on that we could. We are coming to you now to get your permission to restrripe the area and add the striping that is needed to put in the crosswalk and the pedestrian pathway on the pavement.

Councilmember Cowden: Thank you and thank you for your creative use of noticing you had some extra space. It is helping the community at a very low cost to the public, and a great benefit for safety. Mahalo.

Mr. Moule: You are welcome. We are also putting flashing beacons at this crosswalk. It is not in the Resolution, because those kinds of warning devices are not regulatory, so they are not Council-oriented things, but we feel, and I hope you would agree, to make this crossing safe, we would put flashing beacons as we have at lots of other crosswalks around the island.

Councilmember Cowden: Excellent.

Council Chair Kaneshiro: Councilmember DeCosta, a question?

Councilmember DeCosta: You just answered it. I was going to make sure that the flashing beacon was in there. You are on your “A game” today.

Mr. Moule: I really left it out the first time, so I anticipated your question.

Council Chair Kaneshiro: Any further questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? If not, we will take a roll call vote.

The motion for adoption of Resolution No. 2021-30, as amended to Resolution No. 2021-30, Draft 1, was then put, and carried by the following vote:
FOR ADOPTION: Carvalho, Chock, Cowden, DeCosta  Evslin, Kuali'i, Kaneshiro  TOTAL - 7.

AGAINST ADOPTION: None  TOTAL - 0.

EXCUSED & NOT VOTING: None  TOTAL - 0.

RECUSED & NOT VOTING: None  TOTAL - 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Kaneshiro: The motion passes. Next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2839) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (General Liability – $900,000.00)

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2839) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 17, 2021, and that it be referred to the Committee of the Whole, seconded by Councilmember Chock.

Council Chair Kaneshiro: Do we have any questions from the Members on this item? Again, this is just money that the Office of the County Attorney uses anytime they need to settle. They obviously try to reduce the amount of money that we have to pay out as a County. Is there any final discussion from the Members? If not, I will take a roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2839) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 17, 2021, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE: Carvalho, Chock, Cowden, DeCosta,  Evslin, Kuali'i, Kaneshiro  TOTAL – 7.

AGAINST PASSAGE: None  TOTAL – 0.

EXCUSED & NOT VOTING: None  TOTAL – 0.

RECUSED & NOT VOTING: None  TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.
Proposed Draft Bill (No. 2840) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISIGN THE AMOUNTS ESTIMATED IN THE GENERAL FUND (COUNTY OF KAUA‘I TRANSIENT ACCOMMODATIONS TAX – $9,000,000.00)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2840) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 17, 2021, and that it be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Chair Kaneshiro: I will suspend the rules. Mike or Reiko, if you just want to give us a quick briefing on this item. We did receive your follow-up memorandum regarding the different amounts that you are requesting.

There being no objections, the rules were suspended.

Mr. Dahilig: Thank you for the opportunity to give some background information on this proposed measure. As the Council took action approximately a couple of months ago, we are in the process of trying to implement the Transient Accommodations Tax (TAT) revenues that are currently in effect starting at the first of this month. With that initiation of that new revenue stream, this Bill is primarily meant to reflect a change in the method of funding of the General Fund in the budget by adding a nine million dollar ($9,000,000) TAT revenue projection and reducing the amount that we are currently pulling from the Reserve in order to maintain a Charter-mandated balanced budget. Because of the measure that is in front of you, we also have taken the opportunity to try to consolidate any potential money bill items for the rest of the Fiscal Year as to not “gum up” the overall legislative wheels of the Council. We have added a few items concerning minor adjustments to appropriations that reflect the changing conditions of the County’s operational needs since the budget was finalized approximately six (6) months ago. These items relate to the addition of actual items to aid with implementation of the TAT collections, some minor deferred maintenance operational equipment needs, some recognition of the fact that this is a tourism-related tax and we are trying to make some investments in the implementation of the Kaua‘i Destination Management Action Plan, and there is also an errata concerning a position budgeted for our Office. I have the Budget Administrator, as well as the Director of Finance on the call. I also have other department heads on the call to respond to any of their specific line items. As the Council Chair mentioned, we did transmit a second memorandum that helped to provide more detailed information as to the minor appropriation items that we did put forth for the Council’s consideration as part of the overall amendment in the Bill. We are available for any questions starting now or as the Bill progresses through the legislative process.

Council Chair Kaneshiro: The Bill identifies where the money is going to go. The bulk of the money is going back into our fund balance. We took money out prior to knowing we were going to lose the TAT. We are putting the money back in since we are getting some TAT money. We did get the memorandum describing each
individual item on the list. Are there any questions from the Members regarding any of the money bill items on this Bill? Council Vice Chair Chock.

Councilmember Chock: Thank you, Mike. I think this is what we were requesting...to see some direct expenses to the TAT revenue generated, as it relates to our visitor activities. I am just curious and one of the things that I was reflecting on early on is its correlation to what our past studies have been. I am just curious if there was any review of that in terms of what we had projected previously in terms of percentages. What I had thought was that we had focused on really getting healthy in what we lost before we would be focusing on specifics.

Mr. Dahilig: Councilmember Chock, I missed little pieces of the question. I just want to clarify that I heard you correctly. It was based off of the projection of TAT revenue versus what we have now, is that correct?

Councilmember Chock: I am referring to the TAT study that was done in the years past where we had identified specific expenses.

Mr. Dahilig: Okay. As a consequence of Act 1, Special Session Laws of Hawai‘i 2021 from the State Legislature, we did outline a number of tourism-related expenses up and down the board that we believe reflect that a lot of our services that we provide on a municipal level do directly relate to the tourism industry. One of the biggest ticket items that we put out and was able to identify that was something that needed to be augmented with tourist-related revenues is our Ocean Safety Bureau and the large number of rescues that we are able to track with what they have as data from those types of first responder and health and safety activities. We believe that the amount lost based off of the elimination of the capped share that we got as a percentage, based off of the amount that we can earmark as a “back of the envelope” expenditure burden on our bottom-line based off of tourism, and based on the revenue that we would project over a full fiscal year, that we are pretty much still on par. I know that Ken is on the call and can probably give more color to that, should that be needed. This money, if a full fiscal year were to be looked at as a revenue period, we should be pretty much on par with what we were losing as the TAT capped share that we were getting previously.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you. I think that you made things pretty clear. Where we have the round number of approximately nine million dollars ($9,000,000), that is an estimate, right, for the County’s TAT? How are we doing in terms of our visitor numbers and our TAT numbers? I know that we had a kind of better-than-expected summer. It feels like this last quarter has been slow, partly because we asked visitors to not come. Are we likely to get this whole nine million dollars ($9,000,000)? How are we doing with visitor numbers?

Mr. Dahilig: In terms of visitor numbers, that is why we characterize the nine million dollar ($9,000,000) figure as a conservative estimate.
We should be getting roughly about a million dollars ($1,000,000) and change per month based off an average collection and activities prior to the pandemic. As you are aware, the Governor a few months ago had asked tourists not to come to Hawai‘i. That had a drastic impact on the amount of actual visitor counts that had come through the Lihue Airport and airports across the state. Just yesterday, the Governor did make an announcement on Hawai‘i's status as being safe for more tourism activities again. The volatility is more of what we are trying to look at as a nine-month trend rather than something that is month-to-month. If we were to look at the numbers compared to previous 2019 summer numbers, we were pretty close to what pre-COVID numbers were back in 2019. What I can do, Councilmember, is to ask Nalani to provide the specific numbers that come in from the Hawai‘i Tourism Authority, and we can provide that for your information as the Bill is deliberated on.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? Again, this is only first reading.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: If there are no further questions, I will take a roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2840) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 17, 2021, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE: Carvalho, Chock, Cowden, DeCosta, Evslin, Kuali‘i, Kaneshiro TOTAL - 7,
AGAINT PASSAGE: None TOTAL - 0,
EXCUSED & NOT VOTING: None TOTAL - 0,
RECUSED & NOT VOTING: None TOTAL - 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

BILLS FOR SECOND READING:

Bill No. 2832 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-2.4, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE CERTIFICATE OF OWNERSHIP AND REGISTRATION FEES
Councilmember Kuali‘i moved to approve Bill No. 2832 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Does anyone have any questions? Council Vice Chair Chock.

Councilmember Chock moved to amend Bill No. 2832, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Kuali‘i.

Councilmember Chock: This is a housekeeping amendment to correct the Hawai‘i Revised Statutes (HRS) reference from HRS 286-55 to HRS 286-52.

Council Chair Kaneshiro: Are there any questions on this housekeeping amendment? If not, any discussion on this housekeeping amendment?

The motion to amend Bill No. 2832, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. We are back to the main motion, as amended. Are there any questions from the Members? Any final discussion? If not, we will take a roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2832, as amended to Bill No. 2832, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL: Carvalho, Chock, Cowden, DeCosta, Evislin, Kuali‘i, Kaneshiro

AGAInsT APPROvAL: None

EXCUSED & NOT VOTING: None

RECUSED & NOT VOTING: None

Ms. Fountain-Tanigawa: Seven (7) ayes.

Bill No. 2833 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, SECTION 17-1.1 KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE GENERAL PROVISIONS RELATING TO MOTOR VEHICLES AND TRAFFIC REGULATIONS
Councilmember Kuali’i moved to approve Bill No. 2833 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Does anyone have any questions? If not, does anyone have any final discussion? We will take a roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2833 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL: Carvalho, Chock, Cowden, DeCosta, Evslin, Kuali’i, Kaneshiro TOTAL - 7,
AGAINTS APPROVAL: None TOTAL - 0,
EXCUSED & NOT VOTING: None TOTAL - 0,
RECUSED & NOT VOTING: None TOTAL -0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Bill No. 2835 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA’I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISI NG THE AMOUNTS ESTIMATED IN THE GENERAL FUND (Special Election - Prosecuting Attorney - $475,000.00)

Councilmember Kuali’i moved to approve Bill No. 2835 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Does anyone have any questions? If not, does anyone have any final discussion? For me, I believe either the Charter Commission or Councilmembers are going to work on adjusting the Charter so we do not end up in a position like this again. It is pretty disheartening when someone does not serve out their term and it costs the County potentially almost five hundred thousand dollars ($500,000) to run a special election. Again, our election costs are high. If there are two (2) candidates, we have to run a primary and a general election. During regular election season, we are also able to piggyback on some of the costs with the State, which we are not able to do with this. This Special Election will be paid fully by the County of Kaua‘i. It is an expensive endeavor on the County’s part to have to run a Special Election like this. Councilmember Cowden.

Councilmember Cowden: I want to agree with what you said and support that. I think that we could introduce a proposal like that or we could check
with the Charter Review Commission. My understanding is that there are now two (2) candidates, so it will go through to a Special General Election and it will cost close to the four hundred seventy-five thousand dollars ($475,000).

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I am just going to piggyback on Councilmember Cowden’s and your comments. I think that not only should you be conscientious about filling out your term, but even before running for a position or taking a County position and leaving for a private sector offer, you should think about it beforehand knowing ahead of time that you are going to leave...it leaves us in a bad spot. If you want to work for the County or if you want to be involved with the County, please be conscientious about not leaving us in a pickle like this that costs us almost five hundred thousand dollars ($500,000). Thank you.

Council Chair Kaneshiro: Does anyone else have any final discussion? Councilmember Evslin.

Councilmember Evslin: I know that we have said it many times before, but I just want to clarify that this is in the Charter and we cannot change it right now. Even if we wanted to change the rules and say that the Mayor could appoint or the outgoing Prosecuting Attorney could appoint, we do not have any authority to do that. That is for anyone listening. I know it is frustrating. As the Council Chair mentioned, hopefully the rules in the Charter can be changed in the future if that is the will of the voters and the Charter Review Commission. I think it is going to happen again in the future. Personal things happen in people’s lives that sometimes force them to leave office. You never know what is going on, so we need to be prepared and not have to spend almost five hundred thousand dollars ($500,000) every time it happens. Thank you.

Council Chair Kaneshiro: Councilmember Kualii’i.

Councilmember Kualii’i: This is a hard vote every time knowing we have to spend all of this money. I just hope the Charter Review Commission...and if they do not move, then I will initiate something to move something before this Council so we can do something. By just putting certain guidelines in place, we could in the future avoid this. I believe this cannot happen for any other office, only this one. Part of the thing about every other office having term limits and this one does not as well. This individual would not have even been in office as this was his third term that he barely started then left. It is a hard vote, but by Charter we have to do it.

Council Chair Kaneshiro: Is there any further discussion from the Members? If not, we will take a roll call vote.
(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2835 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL: Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii', Kaneshiro
AGAINT APPROVAL: None
EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Kaneshiro: Could you please read us into Executive Session, which we will take at the end of the day.

EXECUTIVE SESSION:

ES-1062 Pursuant to Hawaii Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kauai 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, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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.

ES-1063 Pursuant to Hawaii Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with authorization to expend funds up to $50,000.00 to retain Special Counsel to represent Todd G. Raybuck, individually and in his capacity as Chief of Police for the Kauai Police Department in the matter of Paul N. Applegate vs. County of Kauai, et al., Civil No. 1:21-CV-364 (U.S. District Court for the District of Hawaii). 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.

Councilmember Kualii' moved to convene into Executive Session for ES-1062 and ES-1063, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? May I have a roll call vote to go into Executive Session?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)
The motion to convene into Executive Session for ES-1062 and ES-1063 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION: Carvalho, Chock, Cowden, DeCosta
AGAIST EXECUTIVE SESSION: Evslin, Kuali'i, Kaneshiro TOTAL - 7,
EXCUSED & NOT VOTING: None TOTAL - 0,
RECUSED & NOT VOTING: None TOTAL - 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Kaneshiro At this time, I will recess our Council Meeting. We will proceed with our Committee Meetings. When we are finished with that, we will take our Executive Session. When we are finished with that, we will need to come out to finish off our Council Meeting with a vote on Communication C 2021-238.

There being no objections, the meeting recessed at 2:25 p.m.

The meeting reconvened at 3:50 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back to our Council Meeting. We are on Communication C 2021-238. Clerk, could you please read that item?

C 2021-238 Communication (10/07/2021) from the County Attorney, requesting Council approval for authorization to expend funds up to $50,000.00 to retain special counsel to represent Todd G. Rayback, individually and in his capacity as Chief of Police for the Kaua'i Police Department in the matter of Paul N. Applegate vs. County of Kaua'i et al., Civil No. 1:21-CV-364 (U.S. District Court for the District of Hawai'i).

Councilmember Kuali'i moved to approve C 2021-238, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-238 was then put, and unanimously carried.

Council Chair Kaneshiro: That concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.
There being no further business, the Council Meeting adjourned at 3:51 p.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk
FLOOR AMENDMENT
Resolution No. 2021-30, Resolution Establishing A Crosswalk And A Pedestrian Lane On Kōloa Road, Koloa District, County of Kaua‘i

Introduced by: MASON K. CHOOCK, Councilmember

1. Amend Resolution No. 2021-30 by attaching Exhibit “A” as follows:

V:\AMENDMENTS\2021\FLOOR AMENDMENT RESO NO 2021-30 MC_CT_jy.docx
EXHIBIT A

Crosswalk to be established by this resolution

Pedestrian Lane to be established by this resolution
FLOOR AMENDMENT

Bill No. 2832, A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-2.4, KA'UAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE CERTIFICATE OF OWNERSHIP AND REGISTRATION FEES

Introduced by: MASON K. CHOCK, Councilmember (By Request)

1. Amend Bill No. 2832 by amending paragraph (b) of Sec. 5-2.4, Motor Vehicle Certificate of Ownership and Registration Fees, as follows:

   “(b) Each new certificate of title issued by the Director of Finance under Sec. [286-55] 286-52, H.R.S., shall be charged a fee of [five dollars ($5.00).] ten dollars ($10.00).”

(Amended material is highlighted.)