

COUNCIL MEETING

JANUARY 16, 2020

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 Thursday, January 16, 2020 at 8:37 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun (*present at 8:55 a.m.*)
Honorable Mason K. Chock
Honorable Felicia Cowden (*present at 8:42 a.m.*)
Honorable Luke A. Evslin
Honorable Ross Kagawa
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the public wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, members, is there any discussion?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 5:0:2 (*Councilmembers Brun and Cowden were excused*).

Council Chair Kaneshiro: The motion is carried. Clerk, next item, please.

MINUTES of the following meetings of the Council:

November 20, 2019 Council Meeting
December 4, 2019 Council Meeting
December 4, 2019 Public Hearing re: Bill No. 2762 and Bill No. 2763
December 11, 2019 Special Council Meeting
December 18, 2019 Council Meeting
December 18, 2019 Public Hearing re: Bill No. 2764 and Bill No. 2765

Councilmember Kualī'i moved to approve the Minutes as circulated, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Minutes?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 5:0:2 (*Councilmember Brun and Cowden were excused*).

Council Chair Kaneshiro: The motion is carried.

INTERVIEWS:

PLANNING COMMISSION:

- Melvin I. Chiba (*Environmental*) – Term ending 12/31/2022

ELLEN CHING, Boards & Commissions Administrator: Good morning, Chair and Councilmembers. Happy New Year. I apologize I have a cold. I am happy to introduce this morning, Melvin I. Chiba. Mr. Chiba grew up on the beaches of Pākalā and Makaweli, where he enjoyed swimming, fishing, diving, and hunting. He is a graduate of Waimea High School and earned his Bachelor's and Master's degrees in Business Administration from Emporia Kansas State College. Mr. Chiba returned to Kaua'i in 1974 and started his career at the Kaua'i Community Federal Credit Union, which is now "Gather Federal Credit Union." Under his leadership, the credit union became widely known for its philanthropic efforts funding over twenty (20) nonprofit organizations every year. Mr. Chiba instituted the recycling program and his crowning achievement was the construction of the new credit union in Līhu'e, which is, I believe, only the second Leadership in Energy and Environmental Design (LEED) gold certified commercial building on Kaua'i. LEED is a building certification that is developed by the United States Green Building Council. It is a rating system for the design, construction, operation, and maintenance of green building that aims to help building owners and operators be environmentally responsible and use resources efficiently. Bottom line, this is not easy to do and it generally costs a lot more to do. When asked, why did the credit union do this? He said, "We are part of this community, we intend to stay here and we always want to give back." In his free time, this retiree and proud grandpa of five (5), enjoys cooking—what he calls the old plantation-style, eat whatever leftovers in the refrigerator, and add salt, pepper, and shoyu. I am grateful that Mr. Chiba is still willing to give back to our community. He has never served on any county board or commission and he is willing to

contribute his time and effort to the Planning Commission in the Environmental position.

Council Chair Kaneshiro: Thank you for that introduction. Mr. Chiba, do you have anything to say?

MELVIN I. CHIBA: Good morning everyone. It has been a long time since I have been here. It is nice to see everyone.

Council Chair Kaneshiro: Are there any questions for Mr. Chiba? Councilmember Kualii.

Councilmember Kualii: I do not have a question because your introduction covered a lot. I just wanted to say *mahalo nui loa* for your willingness to serve and I am excited you will be in that position with the County. We have known you for a long time. You were one of my first boss' way back in the 80's when I was a teller at the credit union. I am happy you are willing to serve.

Council Chair Kaneshiro: Is there anyone else? If not, thank you Mr. Chiba.

Mr. Chiba: Thank you all.

(Councilmember Cowden was noted as present.)

Council Chair Kaneshiro: Next up, we have John.

BOARD OF ETHICS:

- John Latkiewicz – Term ending 12/31/2022

Ms. Ching: John Latkiewicz is perhaps best known as the Kaua'i Center Director of the Hawai'i Small Business Development Center, where for the past ten (10) years he has helped entrepreneurs develop and grow their ideas into the popular local businesses they are today, like the Kaua'i Juice Company, Monkeypod Jam, and Hā Coffee. Mr. Latkiewicz has his Bachelor's and Master's Degrees from Bowling Green State University, as well as a Doctorate of Philosophy in Communication from the University of Utah. So we know he is a really smart person, but what you also may not know is he is an avid golfer and gardener. Since moving to Kaua'i eleven (11) years ago, his best gardening friend is the machete. When asked what his favorite memory is, he talked about a three-day camping/hiking trip into Haleakalā and the unique and special volcanic landscape. Mr. Latkiewicz has never served on a board or commission and we look forward to his fresh perspectives and contributions on the Board of Ethics.

Council Chair Kaneshiro: Thank you. Mr. Latkiewicz, do you have anything to say?

JOHN LATKIEWICZ: I appreciate your consideration of me for this position. I have been here for eleven (11) years now, and that certainly does not make me a long-term resident, but my wife and I are very committed to being here on Kaua'i and look forward to giving back to the community. I feel like this is one of those opportunities to do that. Again, I appreciate your consideration.

Council Chair Kaneshiro: Are there any questions for Mr. Latkiewicz?
Councilmember Kualii'i.

Councilmember Kualii'i: Again, I do not have a question, but I want to say *mahalo nui loa* for your willingness to step-up and serve. I am excited to see that you have found a couple of first timers. Hopefully, not the last. Also, I want to say *mahalo* for what you have done with small business development—very important here on Kaua'i.

Mr. Latkiewicz: Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I just want to echo Councilmember Kualii's sentiments and thank Ms. Ching for these two (2) wonderful candidates that we have. Again, I like to see new faces. I think it is time we move past the Carvalho and Baptiste Administrations and start finding fresh blood. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, thank you Mr. Latkiewicz.

Mr. Latkiewicz: Thank you.

Council Chair Kaneshiro: Next up is the Consent Calendar.

CONSENT CALENDAR:

C 2020-01 Communication (11/29/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Lori J. Otsuka (Business) to the Planning Commission – Term ending 12/31/2022.

C 2020-02 Communication (12/03/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Carolyn R. Larson (History) to the Kaua'i Historic Preservation Review Commission – Term ending 12/31/2022.

C 2020-03 Communication (12/04/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Patrick H. Ono to the Salary Commission – Term ending 12/31/2022.

C 2020-04 Communication (12/05/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Randall T. Nishimura to the Liquor Control Commission – Term ending 12/31/2022.

C 2020-05 Communication (12/26/2019) from the Director of Finance, transmitting for Council information, the County of Kaua'i Schedule of Fund Balances as of June 30, 2019, pursuant to Kaua'i County Charter Section 19.14.

C 2020-06 Communication (12/31/2019) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2019-2020, pursuant to Section 17 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020.

Councilmember Chock moved to receive C 2020-01, C 2020-02, C 2020-03, C 2020-04, C 2020-05, and C 2020-06 for the record, seconded by Councilmember Kualii'i.

Councilmember Kualii'i: I have a quick question, process-wise.

Council Chair Kaneshiro: Yes.

Councilmember Kualii'i: If I wanted to make a quick comment, do I have to remove or ask to separate the item?

Council Chair Kaneshiro: Is it a long comment?

Councilmember Kualii'i: No, quick comment.

Council Chair Kaneshiro: Yes, we will have to remove it.

There being no objections, the meeting recessed at 8:46 a.m.

The meeting reconvened at 8:48 a.m., and proceeded as follows:

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Consent Calendar?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Councilmember Kualii'i.

Councilmember Kualii'i: Just a brief comment. I wanted to say *mahalo* to the Administration for providing this report on the First Quarter Statement of Equipment Purchases. I think it is important to have as we enter the Budget Session. I have a few questions and will submit them in writing and ask that they respond before the upcoming budget presentations; I will share my responses with Councilmembers as well. *Mahalo* Chair Kaneshiro.

Council Chair Kaneshiro: Thank you. Is there anyone else?

The motion to receive C 2020-01, C 2020-02, C 2020-03, C 2020-04, C 2020-05, and C 2020-06 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Brun was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

COMMUNICATIONS:

C 2020-07 Communication (12/06/2019) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$70,000.00, and to indemnify the Hawai'i Tourism Authority (HTA) Community Enrichment Program, for technical and non-substantive guidance for Kaua'i and Ni'ihau applicants wanting to respond to Requests for Proposals (RFPs) from the HTA, assistance in promotion of programs, identification and recruitment of applicants for their RFPs, and providing a work plan for program evaluation: Councilmember Kualii moved to approve C 2020-07, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Do we have any questions from the members on this item? Councilmember Chock.

There being no objections, the rules were suspended.

Councilmember Chock: I did have a question. I wanted to get a clearer understanding about what this program is. Truly just an overview of what this program is, I think is important for everyone—what you are looking for with the seventy thousand dollars (\$70,000). Can you expand on it?

NALANI K. KAAUWAI BRUN, Office of Economic Development: Sure. Nalani Brun, Office of Economic Development. Basically, the seventy thousand dollars (\$70,000) is what they pay us to spend the calendar year helping them with their programs on Kaua'i. Some of those programs are their grant programs. That is probably the biggest area where they put out money for Kūkulu Ola, which is Hawaiian cultural programs; *Aloha 'Āina*, which is natural resource programs; and then there are community enrichment programs, where they fund a lot of festivals, events, projects that are community based. So we not only work to help evaluate a lot of the programs that come through here, but we also look for new applicants. We are always "chumming the waters" looking for new people and ideas—that is what they want. It also includes other things, like right now, they are at the beginnings of wanting to do more sustainability, so they will be here more often for that. We help them set up workshops, get the right people in the room—they pay us that. We use the money to basically, help our accountant, and pay for festivals and events, marketing program so people know where things are. We help our organizations know when things are happening, so they do not jump on top of each other.

Councilmember Chock: Thank you. I am fully supportive and thankful for us moving and supporting this. I am sure you have a more detailed

programmatic description. If you want to share that in the future, I would be interested in looking at it.

Ms. Brun: Yes, I will be glad to. We do have a full timeline of what we are going to be doing every single month. I will be sure to turn that in.

Councilmember Chock: Thank you.

Ms. Brun: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you. Anyone in the audience wishing to testify on this?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Councilmember Cowden.

Councilmember Cowden: I want to thank the Office of Economic Development for all the hard work that you do and all the opportunities that come out of your work. It is really great work. Also, I want to publicly acknowledge where the money does come through to help our community and citizens, it is from the tourism industry through the Hawai'i Tourism Authority (HTA)—that is our Transient Accommodations Tax (TAT) coming back to us. *Mahalo* for that.

Council Chair Kaneshiro: Anyone else?

The motion to approve C 2020-07 was then put, carried by a vote of (6:0:1) (*Councilmember Brun was excused*).

Council Chair Kaneshiro: Motion carried. Next item, please.

C 2020-08 Communication (12/11/2019) from the Acting Director of Human Resources, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Building, Facilities, or Grounds relating to: Elsie H. Wilcox Elementary School, Kaua'i High School, Chiefess Kamakahalei Middle School, King Kaumuali'i Elementary School, Waimea High School, and Kapa'a Elementary School, for testing purposes in calendar year 2020: Councilmember Kualii moved to approve C 2020-08, seconded by Councilmember Chock.

There being no objections, the rules were suspended.

Council Chair Kaneshiro: Councilmember Kagawa, do you have a question?

Councilmember Kagawa: Yes, I have a question. My question is, is this for job testing?

(Councilmember Brun was noted as present.)

JILL NIITANI, Human Resources Manager: Yes. Jill Niitani, Human Resources (HR) Manager. Yes, it is for written tests.

Councilmember Kagawa: For what kind of jobs?

Ms. Niitani: Usually, it is Police Services Officers. We try to do that on the weekends to accommodate as many people as we can to take those tests.

Councilmember Kagawa: Do we have that much more that we cannot use our meeting rooms?

Ms. Niitani: Sometimes what happens is, if someone is eligible, we place them on the eligible list and we will send out notices. A lot of times applicants say they will be there, so we need the room.

Councilmember Kagawa: Sometimes they say they will come and they do not come, but you need to be ready for larger groups than our own facilities can handle.

Ms. Niitani: Yes.

Councilmember Kagawa: I know with Fire testing, I guarantee you that you will need a big room.

Ms. Niitani: Yes.

Councilmember Kagawa: Because everyone wants to be a fireman. Okay. My next question is, did we exhaust our County facilities first?

Ms. Niitani: Yes, we will always look towards using our facilities first.

Councilmember Kagawa: These facilities—do we need to pay rent or electricity?

Ms. Niitani: No.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you. Does anyone in the audience wish to testify on this item?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members?

The motion to approve C 2020-08 was then put, and unanimously carried.

C 2020-09 Communication (12/12/2019) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Section 8-3.4(e), Kaua'i County Code 1987, as amended, relating to Residential Development Standards for Accesses and Driveways: Councilmember Chock moved to receive C 2020-09 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: At this time, this is the Communication, but if testifiers want to testify on it now, we will do that if they have time constraints and need to get back to work. We will be hearing the Bill with a conversation with the Administration a little later today, but if anyone has time constraints and wants to testify on Bill No. 2768, they can do that now. Is there anyone in the audience wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

LARRY LAU: Good morning, Chair Kaneshiro and Councilmembers. I am not sure whether I have a time constraint, but I do have to catch a plane later, so thank you for this. My name is Larry Lau. I am testifying on my own behalf. I am in strong support of this Bill and also the later, Bill No. 2769. I did submit written testimony so I will just give some high points. As a little bit of background—I am a retiree, I worked for the State of Hawai'i for thirty-six (36) years, mostly in the Attorney General's Office and as the Deputy Director in the Health Department. I live in Honolulu. I have been there since 1951, but I do own land on Kaua'i...I owned land since 1992. I have lived on Kaua'i for a couple of years and I care about the island. I want to thank you again for having this on the agenda and having the chance to testify. Basically, these two (2) Bills together will relieve homeowners who share common driveways in situations with fewer than twenty (20) homes from very costly paving requirements. Right now, if a common driveway, which would be for two (2) people, exceeds one hundred twenty (120) feet or there are more than four (4) units, the road is supposed to be paved to twenty (20) feet wide that meets the County's public street standards, there are also distance limits, which these Bills will address. The one thing I would ask for is the definition of a "common driveway" to include common driveways that run along the border of two (2) adjacent lots, because they are functionally and practically similar and it would be fair to include them. If there are any questions, I would be happy to answer them at a later time. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify? Former Councilmember and former Mayor of City and County of Honolulu.

JEREMY HARRIS: Thank you, Chair Kaneshiro and members of the Council. I would like to testify as the President of the Nāwiliwili Estates Association Of Apartment Owners (AOAO). We have had a number of concerns with this issue and we appreciate the efforts of the Fire Department and the Planning

Department to try to fix some of these problems. I just had one (1) question today and it may be my inability to understand the language here, but there seems to be a discrepancy in the Fire Code Amendment. In Section 18-2.3.21, it says that the Fire Department access road shall extend within fifty (50) feet of one (1) exterior door, however, for one- and two-family dwellings, the distance shall be increased to three hundred (300) feet. So for our members in our AOA, that is reasonable. In other words, the fire truck has to get within three hundred (300) feet of your house. That would fit very well in that Nāwiliwili community, but then on the other page—I may be reading this wrong—Section 18-2.3.44, it says for one- or two-family dwellings, a dead end fire apparatus road longer than three hundred (300) feet is required to provide for turning around of the fire apparatus within one hundred fifty (150) feet of the structure. So it seems to say, on one hand your home can be three hundred (300) feet from where the fire truck is and the other says, but the fire truck has to turn around one hundred fifty (150) feet from the house. Well, most of our folks are going to be on the slope there in Nāwiliwili Valley, so you cannot get a turnaround on the slope of a fire truck. The three hundred (300) feet is great for us, but the one hundred fifty (150) feet does not seem to make sense. Thank you.

Council Chair Kaneshiro: For the record, that was Jeremy Harris.

Mr. Harris: Yes.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Thank you for your testimony. Where is this AOA?

Mr. Harris: Kaua'i High School and Lala Road, down the slope, the whole Nāwiliwili Valley.

Councilmember Kagawa: Is that the AOA you are talking about?

Mr. Harris: Yes.

Council Chair Kaneshiro: Is there anyone else wishing to testify now?

DENNIS ESAKI: Good morning Chair Kaneshiro and Councilmembers. Dennis Esaki, for the record. I would like to thank the Planning Department and the Fire Department for working on this. The Comprehensive Zoning Ordinance (CZO) was in effect since 1972 and the County was not consistent in following it. They have allowed homes to be built not following this Code. Subdivisions were allowed—not following this. This will resolve most of that, but what about the existing non-conforming uses and proposed uses? Some of the conditions cannot be matched such as the sixteen (16) feet clearance as some subdivisions were approved with a fifteen (15) feet wide flag pole for the driveways. That is all they have to work with and there are some lots that have been approved that have not been built on yet. They have some really long driveways that do not follow this. With all due respect to the Fire Department and the firemen, I understand that each truck has one thousand five hundred (1,500) feet of hose on the

truck. A Councilmember might know about fire trucks, by shortening this, it is disregarding that. Overall, I think this is a good measure. Thank you all for working on it.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify?

BRIAN O'BRIEN: Thank you Councilmembers. My name is Brian O'Brien. I am just going to read my testimony if you do not mind. I might have to do a second run, pardon me. My name is Brian O'Brien. My son Ron O'Brien and I, have a three (3) acre dedicated Agricultural zoned farm in Wailua. He is a University of Hawai'i, Hilo graduate in agriculture. We have almost a half a mile long driveway—we share the driveway and improvement expenses with our neighbor, who is told he has to concrete the driveway. We are asking to use large crushed rock up to four (4) inches. I brought a sample just so you know it is not gravel, it is really large rock. So we are asking to use this four (4) inch size rock instead of concrete or asphalt. We have already laid this rock over a road padding that goes underneath, which is over the scrapped grass. We have a five (5) ton hydraulic dump trailer that will carry the rock. We have already carried quite a bit of it already up there. We have laid some of the rock before the last winter storm and the rock is holding well—it is durable as any concrete driveway. This type of driveway requires only two (2) men to lay the driveway, instead of six (6) men for concrete. We have spoken with the Fire Department and they said they are able to drive their trucks on this type of rock. In addition, garbage and mail trucks do not come up to our area. They leave the mail or pick up the garbage about a mile away from us. I have twenty-two (22) short sentences here, as to why rock is more favorable than concrete or asphalt. One, no puddling as water percolates through the rock driveway. No puddling means no mosquitos, no stagnant, dirty water, and the rock does not cut through the padding, keeping the rocks stable. Should there be damage to the driveway, it only requires a partial trailer load or just a couple of buckets of rock to repair. Rock lasts longer than concrete and asphalt. Rock does not crumble or crack like concrete or asphalt or breaks off like the *pukas* in our roads. When you drive over the rock everyday it compacts the rock flatter and tighter until it gives you the appearance of a regular asphalt concrete road. You do not have to drive any slower on rock than you would on concrete. Rock in contrast to asphalt does not give off petroleum fumes which is not good for children and our grandchildren. Rock is stronger than concrete and asphalt. Rock was made on Kaua'i millions of years ago and it is still going strong. There is no steal rebar screen to rust and break apart inside the concrete. You cannot break the rocks by driving over them.

Council Chair Kaneshiro: Brian, that is your first three (3) minutes.

Mr. O'Brien: Thank you.

Council Chair Kaneshiro: I will call you back after everyone has had a chance to testify. We also received your written testimony. Is there anyone else wishing to testify for the first time? If not, is there anyone wishing to testify for a second time? Mr. O'Brien, you can come back up. You can get a little exercise walking back and forth.

Mr. O'Brien: Yes, I need that. Thank you. Rock is easily purchased at halfway bridge and trailered back up to the property in Wailua. Rock does not suffocate the earth as concrete and asphalt does. The County discourages gentleman farms and rock is more pertinent to a farm than concrete is. We are estimating to a degree that our driveway would cost four hundred thousand dollars (\$400,000) in concrete, but only twenty thousand dollars (\$20,000) in rock, and we would be installing it ourselves. Where we have already put the rock on our driveway, there has been no subsequent negative effects, failure, or need to refill the driveway. I have provided some pictures to all of you so that you are able to check that out. Concrete and dump trucks have been up to our property for the neighbor's building project, and they have had no issues going up or down. The rock could be laid at any thickness—should any thickness issue come up. Our five hundred (500) square foot guest house—which is going to be owner-built—the comparison of that value to an almost four hundred thousand dollar (\$400,000) driveway is kind of unreasonable. We have ourselves and the experience of our friends who have used this same rock and the rock holds up and qualifies as an all-weather road. Rock driveways can be used immediately after the rock is spread, there is no wait or down time. Thank you very much.

Council Chair Kaneshiro: Thank you for your testimony. Is there anyone else wishing to testify?

MARGARET PHILLIPS: My name is Margaret Phillips. I am one of the co-owners of some agricultural land in Kalāheo. I would like to commend the Planning Department and the Fire Department for working together for a very long time to get these liberalized requirements in place. I would just like to point out, no matter how much you amend the CZO and Fire Code, every piece of land is unique and has unique contours and features. So I would hope there is some allowance for discretion by the Planning Department and/or the Fire Department to modify the requirements that are laid out very specifically, in the event of difficulty in meeting those requirements to the letter. Particularly, I would like to endorse the position about having a three hundred (300) foot turnaround for a fire truck rather than the one hundred fifty (150), because I agree that does appear to be a little bit of a discrepancy. That is really all I wanted to say. Again, I would like to thank the Planning Department and the Fire Department for working on this thorny question and coming up with a much more workable solution than has been in the past. Thank you.

Council Chair Kaneshiro: Thank you. Mr. Lau, this is your second time.

Mr. Lau: Larry Lau, again. I, too, would like to thank the Planning Department, Director Hull, Deputy Director Higuchi-Sayegusa, and the Fire Department for their work on this Bill. It has been very encouraging and I appreciate their receptiveness and help. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify? Seeing none.

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

Council Chair Kaneshiro: Again, this is just the Communication. The motion on the floor is to receive the Communication and the Bill will be coming up a little later today where we will be able to ask questions of the Administration. Is there any discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: I want to thank the public for testifying and saying what they like and do not like about it. It is complicated. These properties, like the lady just said, a lot of them are different with different situations, but the problem for the County is that we need to have one set of rules, because otherwise it is chaos—the director can make all of these different decisions and everyone at the end can do whatever they want. I think we need to, at some point, not everyone will be happy, but I think if you continue to bring your concerns, hopefully, we can massage it and come up with the best possible solution in the end. There will be a public hearing and Committee Meetings. Even with the rock compared to concrete...I have seen great rock driveways, but then I am also sure there are a lot of imperfect ones, too, that turn into mud and is not done properly—like how we envision a nice rock driveway. Not everyone does a good job like you, so it is kind of hard to say, “Okay—rock or concrete are both good.” At the end of the day, we will take all the information, and hopefully the Council can make some kind of compromise so we can at least be happy on both sides. Thank you.

Council Chair Kaneshiro: Thank you.

The motion to receive C 2020-09 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item. Clerk, let us read C 2020-14, which is the Fire.

There being no objections, C 2020-14 was taken out of order.

C 2020-14 Communication (01/08/2020) from Daryl Date, Fire Prevention Captain, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 15A, Kaua'i County Code 1987, As Amended, Relating To The Kaua'i County Fire Code, to address fire access roadways and water supply for one- and two-family dwellings: Councilmember Kuali'i moved to receive C 2020-14 for the record, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Fire Code? Again, this is the Communication, but if anyone cannot stay for the Bill later, now would be a good time to testify on it. We did hear some testimony on it already.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

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

The motion to receive C 2020-14 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-10 Communication (12/13/2019) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Tourism Authority, in the amount of \$61,220.00, and to indemnify the State of Hawai'i, to support funding for the continuation of the coordination of cruise ship greetings at the Nāwiliwili Harbor for Calendar Year 2020: Councilmember Kualii moved to approve C 2020-10, seconded by Councilmember Brun.

Council Chair Kaneshiro: Are there any questions from the members on this?

There being no objections, the rules were suspended.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Good morning, Nalani and thank you for being here.

Ms. Brun: Good morning.

Councilmember Kualii: I just had a quick question on the breakdown of the sixty-one thousand two hundred twenty dollars (\$61,220). I am curious because I hear concerns from some of the participants on transportation. Is there any moneys part of that sixty-one thousand two hundred twenty dollars (\$61,220) to help with transportation?

Ms. Brun: Yes. I brought copies just in case you wanted copies of the grant application. Basically, there are two (2) pieces to what we do at the harbor. One (1) is every Thursday, our *kupuna* program actually goes and has their outing at the pier and because the Alu Like Kupuna Program has so many former musicians and entertainers, they are fantastic down there. They love getting out and seem to really like it—they do Thursdays. The other days, which are off and on depending if it is cruise season or not—we have another group that goes and they are wonderful, too. They are really good at interacting, but they are much smaller. They are just a four (4) person group. We actually provide some moneys for flowers, because during these months there are no flowers. The *kupuna* actually pick their own flowers as part of their own activities and bring them down to make *lei* or flowers for people to put in their hair. They give them to visitors coming off and it gives them a chance to talk story with the different people, which they love to do. We also do

provide about twelve thousand dollars (\$12,000) or a little more than that to a bus service to move the *kupuna* to the harbor. We need to move them in one chunk because of all the Transportation Security Administration (TSA) rules—once you get through the gate, it gets complicated, so we try to get them in together. We used to use the Kauaʻi Bus, but it was competitive, because there were other bus companies that could do it. So instead we have gotten HTA to agree to give us some money to hire a bus company to bring them in and out. That is not the top of the line dollar, but it is a bus company that can get in and out. The way we do that, which is really odd is the manager from the Alu Like Kupuna Program also has the ability to drive bus. She actually goes and is the bus driver on the same day she is moving this group down. This is really a coordinated effort. We also have funds we donate to the Alu Like Kupuna Program, it helps pay for their lunches when they go down there on Thursdays. We also have setup and break down funds that we use for the *kūpuna* because on their days we do not want them moving those heavy items. We also have the money we use for the other group that goes down and gets paid by time they are there. The other groups that are down there are for about two and a half (2.5) to three (3) hours. The *kupuna* program is there from about 9:00 a.m. to 1:00 p.m. and includes lunch and sometimes other activities they do down there.

Councilmember Kualiʻi: Thank you so much.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Thank you Nalani. I love that we keep our *kūpuna* and utilize their talents and showcase them to the tourists on the cruise ship. What is the return we are looking for? We provide the entertainment, the *leis*, and what do we get in return?

Ms. Brun: HTA's goal is to...cruise ship visitors are very different from typical visitors that Kauaʻi gets. We are looking for the ones that might come to do a longer stay. These ones come in overnight if it is a Thursday night or just during the day, but they are looking for the ones that actually come here, look at it and realize this is the kind of place they really want to visit. Then on the next trip, we are hoping they will book a regular vacation and stay in a hotel room and be a new visitor to us. The good thing about these is that it is not a big surprise when they arrive, because they checked it out, they know what Kauaʻi is all about, they know we are very rural and how things work. They tend to be a happy visitor from the get-go when they arrive. That is our cherry picking of visitors.

Councilmember Kagawa: The cruise ship stops on different islands, too, right?

Ms. Brun: Yes.

Councilmember Kagawa: Do they have similar programs like this or does Kauaʻi have their own?

Ms. Brun: Yes, HTA has money going out to all the different islands. We are the only ones that work with the County. The other islands

have little business associations that are based at the harbor. We do not have that set up, so instead we went with the County. Basically, it is similar in different places. Some places have greeters, some places have music—they do what they can, some places have crafters, because they are allowed to right within the areas. Ours is so far away from where the businesses are. We cannot really do that—it is not allowed. Every harbor works with what they have and what is nearby. It seems to work out, but the gem of the State program is the Thursdays, because we have the *kūpuna* there and people love it. There are so many of them, there are thirty (30) or sometimes forty (40) of them down there chattering away, making *leis*, making crafts, doing all kinds of things. It is really fun. If you ever want to go down there on a Thursday, it is a blast. I would be glad to bring you down with my car and let the harbor folks know. It is fun.

Councilmember Kagawa: Thank you.

Ms. Brun: Sure.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you, Nalani. Is there anyone in the audience wishing to testify?

Ms. Brun: Thank you.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. I will call this meeting back to order. Councilmember Cowden.

Councilmember Cowden: Again, I just want to thank the Office of Economic Development for creating this and I have gone down there a few times. It really is a beautiful event. You figure two thousand (2,000) people are getting off this ship at one time and coming out into a nice, warm party that I think is an authentic reflection of Kauaʻi. I want to give a shout out to any of our *kūpuna* that are in that group that might be listening to this—thank you for doing such an amazing job and they are down there with the best of energy. I see this as a real win-win, because it is promoting money to HTA in a way to support the continuing relevance of some of the best of our people. I am very supportive of it and I do recommend anyone who has not done it, go check it out because it is nice. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kualīʻi.

Councilmember Kualīʻi: I, too, just want to add what a beautiful way of sharing our Hawaiian culture and at the same time promoting our island. HTA and the Office of Economic Development, great job. I know some of the *kūpuna* and Shirley Medeiros and Julie Souza, *mahalo* to all of them. I have not been, but I can imagine how beautiful and great it is. I have to go one Thursday. *Mahalo*.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2020-10 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-11 Communication (12/16/2019) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$3,274.00 for the Fiscal Year 2020, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals: Councilmember Kualii moved to approve C 2020-11, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the members on this item? Does anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members? Councilmember Cowden.

Councilmember Cowden: I want to make the comment that when I attend these meetings with the executive group on aging is that for some of these people this is a main meal they receive. We really want to make sure this continues and happens. The more we can put a focus on the nutritional quality of this meal, is really important. A little over three thousand dollars (\$3,000) is a minimal amount of money. In the next time, I would not mind making it a little bit more and making it more and having stronger food there, because it is a critical meal for some of these people. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kagawa.

Councilmember Kagawa: I want to thank Kealoha for the job they do. It is amazing and well-appreciated by a lot of families that have loved ones who cannot cook or move around like they used to and these meals help to keep them happy. It is really important. I wish the State, in all of their bright ideas, would try to address the real issue of how do we get more intensive care for our *kūpuna* as they get sick or what have you, but instead they cannot afford to, so we end up keeping them at home and families struggle to take care of them—the State or Federal do not have solutions. Instead, what they say is you can move into these care homes, but we are going to take your house. This is not a solution—it is ridiculous. You spend all your life getting your house and when you get sick they will take it from you. There are a lot of problems out there with Federal/State governments and we put band-aids like this to try and take care of the problem—it does not work. Thank you.

Councilmember Cowden: I just want to follow-up with what Councilmember Kagawa said, he is spot on with that—this is a much larger issue and very important. Thank you, Councilmember Kagawa for hitting that critical point.

The motion to approve C 2020-11 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-12 Communication (12/19/2019) from Council Chair Kaneshiro, requesting the presence of the Deputy County Engineer, to provide a briefing on the new violations issued against the County by the State of Hawai'i Department of Health (HDOH) relating to the Kekaha Landfill, the status of prior transfer station Notices of Violation (NOVOs) that were issued to the County in 2016 and 2017, including whether the County is currently in compliance with the issues raised by HDOH, what work has been performed, and who from the County is in charge of ensuring that the County is in compliance with the National Pollutant Discharge Elimination System (NPDES) and Notice of General Permit Coverage (NGPC) permits for the transfer stations: Councilmember Kualii moved to receive C 2020-12 for the record, seconded by Councilmember Brun.

Council Chair Kaneshiro: This item is an update on some NOVOs we received prior in the transfer stations and also to get an update on any transitional issues we have or NOVOs that were happening prior to us taking over the landfill. Lyle, I believe you have a presentation.

There being no objections, the rules were suspended.

LYLE TABATA, Deputy County Engineer: Good morning, Council Chair Kaneshiro, Vice Chair Kagawa, and members of the Council. Lyle Tabata, Deputy County Engineer. You have the PowerPoint presentation. The outline of the presentation would be to discuss the NOVOs issued by the Department of Health in 2016 for NPDES violations at our refuse transfer stations in Princeville, Kapa'a, Līhu'e, and Hanapēpē, County actions that we have taken, as well as implementation status of the various projects. To correct the agenda item, what we received from the Department of Health was not an official violation, but a warning letter regarding the Kekaha Landfill during the time when Waste Management of Hawai'i, Inc. (WMH) was the prime managing entity of the landfill. You will also find our response to the warning letter.

(Councilmember Kagawa was noted as not present.)

Mr. Tabata: Why did the Department of Health send the NOVOs in 2016? The County failed to develop or implement a Storm Water Pollution Control Plan (SWPCP) strategy identifying pollutant sources as required by the NPDES General Permit. The County failed to submit a discharge monitoring report for the Hanalei recycling and transfer station for 2015, and failing to develop and implement the SWPCP with a pollutant control strategy as required by the NPDES Permit.

(Councilmember Kagawa was noted as present.)

Mr. Tabata: Also, we failed to submit the Discharge Monitoring Report (DMR) for various Recycling and Transfer Station (RTS), failure to measure all pollutant parameters in accordance with the permit, and failure to conduct personnel training as required by the NPDES General Permit. Finally, these were exceedances in effluent limitations. What has been done by the County to address the NOVO? We hired a consultant, Jacobs/CH2M, to develop the SWPCP. We are regularly submitting a DMR prepared by the consultant, and Jacobs is in the process of completing our transfer station upgrades. We are at the point of sixty percent (60%) design. The one hundred percent (100%) design should be issued to us shortly for final review by HDOH and the County, and then we hope to begin construction. AECOM updates the NPDES monitoring plan and our County staff submits DMR to HDOH within twenty-four (24) hours of an occurrence. AECOM is updating our monitoring parameters as needed. The County is working with Jacobs/CH2M to update SWPCP. The County regularly reviews and updates the NPDES permit monitoring and inspection strategies. Finally, the County is planning to start the Hanalei RTS upgrades this year. As soon as the drawings are completed and the design is agreed on with HDOH we will put the construction out to bid. We hope to be out to bid in two (2) to three (3) months and begin construction by the end of the summer. We will do these stations in sequence, so the next phase will follow; one after another for the three (3) other stations. Some of the improvement strategies for each of these stations are to construct a new leachate management system. Basically, installing a ten thousand (10,000) gallon double wall underground storage tank that will isolate leachate from the storm water runoff. Construct covered collection areas for used tires, propane tanks, scrap metals, white goods, and green waste, which would drain to the leachate collection tank. Construct a new used-oil collection area with a bermed concrete containment slab and roof. Performing site operation improvements, including covering the collection and tipping floor area. Basically, every time rain touches the waste stream, it becomes illegal for us to allow that rain runoff into any stream or navigable river, so we need to cover everything. When it rains, if it hits the roof, goes down rain gutters, does not touch the refuse or any of the recycle materials we are good, it can then travel down to...it can exit the property as another person's property. The ten thousand (10,000) gallon tanks are what is being calculated that what we do need when and if rain does touch any of these materials—it will collect and allow us to dispose of properly.

Some of the construction strategies is to develop construction contract packages for all of our four (4) stations; start construction as I mentioned in Hanalei first, then Līhu'e; Utilize the bid additive clause to initiate construction of Kapa'a and Hanapēpē; and construction will be staggered to minimize transfer station closures and interruptions to the community.

(Councilmember Chock was noted as not present.)

Mr. Tabata: As I mentioned, we hope to complete the design shortly, hire construction management consultants, advertise the bid, and start construction first in Hanalei, then continuing on to Līhu'e, then back to Kapa'a, and then finally finishing in Hanapēpē.

(Councilmember Chock was noted as present.)

Mr. Tabata: All told, construction we expect to be completed by summer of 2022. Moving on, the Kekaha Landfill warning letter. I believe the big question...and we have shared with you our response to HDOH. Why were we issued the warning letter for the Kekaha Landfill? They found deficiencies in the landfill leachate system operations and monitoring system. The monitoring system had not been functioning properly for a long time. Our landfill employees kept reporting it and WMH were not responding. Improper operational practices by WMH; litter not confined to the working face area, unacceptable waste logs not maintained, and then leachate logs done improperly. As far as what is unacceptable waste logs...basically, we have waste that we are supposed to pull out from going into the landfill and that is why we have the spotter's right there when the loads are unloaded, so the logs to identify the unacceptable waste pulled was not maintained—just to clarify. These were findings during the September 30, 2019 visit. Since December 1st, as you all know, the County assumed the operations of the landfill. We hired professional service providers to support the regulatory functions—these are the subject matter experts in the field. The County has rented short-term equipment to fill the landfill equipment needs and the County is preparing a Money Bill to request funding for the long-term equipment needs and other operational needs that was performed by WMH to help us transition. When we responded to the warning letter, as you were copied, majority of the non-compliances has been corrected or is in the process of being corrected. We sent the response on December 27, 2019 and the plan was provided to HDOH to mitigate the following: the County has procured and replaced a storage container for recycled tires. What happened here was the tires were exposed and as you know when it rains—and it has been a rainy winter—tires collect water, so they wanted us to be able to cover the tires and not allow water to get trapped in the tires and be a mosquito hazard. We have completed that. The County plans to modify the solid waste permit to allow the acceptance of scrap metal at the site. Future compliance monitoring...proactive monitoring of operations by our supervisors. Our County hired our own supervisors, implement “train the trainer” programs for frequent NPDES in-house trainings, improve communications with our operations, priority implementation of RTS, unannounced operations audits, and continuous improvement. As you can see there in the picture, we are stepping up meeting with employees and providing training as we see we need to continue. *Mahalo* for your support. I am open to questions.

Council Chair Kaneshiro: Okay, thank you. Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Kaneshiro. Thank you, Lyle, for the presentation. I have a couple of questions. I will start with, I guess the monitoring aspects that we were initially cited on with NOVO. You mentioned the discharge monitoring report and I wanted to get a little bit deeper in terms of understanding the aspects of that report and what it is actually measuring. One of my concerns is particularly for Hanalei. We have talked about the drainage issues associated with that little valley and the stream that is in the vicinity. What have we done in terms of monitoring those impacts from the drainage? I know you are talking about not letting the rain catch, but it is inevitable for that location in terms

of what comes through on the ground there and what ends up into the stream. I know we tried to capture it. Just to be clear, have we monitored or has the State or County monitored anything as it relates to the impact on the stream as it relates to this?

Mr. Tabata: We are bound by our permit when we have a significant rain event to go out, take samples and test the samples and send them to HDOH. We have sent many reports this winter from all of our stations that have significant rain events. We have met the criteria of timeliness. Basically, that was what the original violation was—the timeliness of taking the samples and credentialing the reports that gets sent in.

Councilmember Chock: The second part of that was really about the drainage. How do we, specifically for Hanalei, intend to try to mitigate the drainage issues?

Mr. Tabata: As I have showed, we will be covering everything with a roof, so it does not touch the product. Then the rain runoff can leave the property as any other rain event. The collected leachate, which is a product of if it gets wet, will be collected in these ten thousand (10,000) gallon storage tanks, and then we will have to dispose of them properly.

Councilmember Chock: Okay. What happens in terms of the garbage that is not on the ground so the water that is runoff does not come into contact with that?

Mr. Tabata: If it does not. The model we are looking at to start with is somewhat like Līhu'e—we will have a tipping floor and everything will be covered and contained.

Councilmember Chock: I few other questions, but I will give you the floor, Council Chair Kaneshiro.

Council Chair Kaneshiro: Thank you. I have a follow-up on that. As far as the roofing and putting in concrete floors, is that a new standard that HDOH is looking at now, because some of these transfer stations have been operating for years and now to give us a warning letter is...

Mr. Tabata: HDOH will not tell you what you have to do to improve because these improvements, believe me, are very costly. It is up to us and our consultant to look at what is acceptable to prevent the rain from touching the product and then containing whatever does get wet and whatever leaches off the product in a way that will not violate any of the conditions of the permit. As you said our designers helped come up with acceptable plans. We have been meeting with the department on a regular basis every step of the way from the planning, the conceptual, we do a conceptual layout of what we want to do, and they said it is acceptable, it meets the needs. The best way we could figure out is to do something like in Līhu'e—cover it all, but in Līhu'e it is only the refuse, the recycling needs to be covered, too, controlled and whatever leachate does result needs to be contained. Even the green waste will have to put a roof.

Council Chair Kaneshiro: I am wondering when it would come up. When we built the facility to begin with, I would have thought they would have said you need to cover your green waste, you have to cover your metal area, and none of the rubbish can be on the ground.

Mr. Tabata: I can say that under my tenure we can say, "Things caught up with us and we are addressing it." We are meeting the needs of the standards that are presented to us. I believe that with each permit renewal, some new standards had to be implemented. When they come to inspect our operation, they see what our operation is like, and then they make recommendations. It is up to us to follow-up, and if we do not follow-up timely, we get into trouble.

Council Chair Kaneshiro: So it was more like we did it, everything was fine at the time, then as we renew a permit, they say, "Now you should cover your green waste, because that is a better management practice than having rain hit it."

Mr. Tabata: Exactly, yes.

Council Chair Kaneshiro: Then the next year you renew they say, "You still have not done that, you need to have a concrete floor," is that how it went?

Mr. Tabata: The bottom line is we need to have been able to contain whatever got wet or got mixed with rain that would emanate a leachate. I believe that we have been working towards that end now. It has been a long journey. I know everyone is asking when we are going to complete it—we are really close. It is because we got hit with violations at all four (4) stations, so we have to address all four (4).

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: Lyle, did the violations come in 2016?

Mr. Tabata: Yes.

Councilmember Brun: This is 2020, why only now?

Mr. Tabata: Not only now. We have been working ever since then to develop...work with HDOH like I mentioned, we developed the conceptual and then we had to hire another consultant to complete the final designs, which we have over the last two (2) years been working on and communicating with HDOH, and securing the SRF funding to build this. We are at the end, right now.

Councilmember Brun: How long will it take to fix?

Mr. Tabata: If you can put the slide back up. Our timeline—this is our schedule. Complete all four (4) stations design by March, put the construction drawings out for bid, get a contractor hired, and then do each station one at a time. Over the next two (2) years, the plan is to complete all four (4) stations.

Council Chair Kaneshiro:

Councilmember Kagawa.

Councilmember Kagawa: Thank you, Lyle. I hate to back track, but I will. When we had those NOVO violations, we reported a full-blown update on the plans for the Department of Public Works, I believe it was Keith Suga, who was moved by Mayor Bernard P. Carvalho, Jr. from the CIP Manager, to help the Solid Waste Division address the NOVO. He had a plan that was going to be expensive that was going to fix the problems.

Mr. Tabata:

This is it.

Councilmember Kagawa: Then Mr. Suga left, so from the time Mr. Suga left, how much delay was it before we implemented the things Mr. Suga said he was going to do?

Mr. Tabata: This is it. It was just back and forth with HDOH getting to a solution that they determined is acceptable to meet the permit requirements took this long to get to this point where we are at the final design.

Councilmember Kagawa: My recollection tells me that what Mr. Suga said back then was that we had a quicker plan than this.

Mr. Tabata: Well, we did address the immediate day-to-day needs. We took care of that right away. We retrained our employees, implement annual training, made sure everyone is there, implement a monitoring system that was spot on that did not have any delays, we did some improvements at the plants to berm, install the (inaudible) to prevent petroleum products from leaving the facility—all of those things were implemented right away. Then, we had to go out and find a consultant that we could hire to do the preliminary design—we did that. We went through that, completed those for all four (4) stations, met with the department, they looked at the conceptual and agreed that those are acceptable, then to do the final designs, we wanted to look at putting that out to bid and had a new consultant to come in to take the conceptual, and help us with the final designs.

Councilmember Kagawa: So the consultant that was helping us back when Mr. Suga was there has changed?

Mr. Tabata:

Before he left we hired Jacobs/CH2M.

Councilmember Kagawa:

Are they fairly new?

Mr. Tabata:

They are a very reputable long time...

Councilmember Kagawa:

Are they fairly new working with us?

Mr. Tabata:

With us, yes.

Councilmember Kagawa:

Who were we working with before that?

Mr. Tabata: AECOM.

Councilmember Kagawa: AECOM. My last question is, the four (4) transfer stations, we knew there were NOVO violations and we knew basically some of the problems associated, so why did we not take more preventative measures at the landfill knowing that we had similar issues going on at all the transfer stations?

Mr. Tabata: I believe the landfill is different.

Councilmember Kagawa: The landfill is different.

Mr. Tabata: The issues there are different. They are more operational under...we have moved on from WMH. We have taken full responsibility now. We addressed all the needs.

Councilmember Kagawa: At the landfill there are no NOVO violations.

Mr. Tabata: No, it was a warning letter. I want to make that clear—it was a warning letter, no violations, and we addressed all of the concerns.

Councilmember Kagawa: Now, we believe the warning is...

Mr. Tabata: We need to keep maintaining them and keep on the operations. We need to keep ourselves on the path to meet the needs of our permit.

Councilmember Kagawa: Alright.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you so much. I have a couple of questions relative to the NPDES, not just at Hanalei, but also at Kapa'a and a couple of them I see those logs, it looks like they are intentionally opened up—so when the rain is coming, that leachate goes out solid and fast. I wonder if there is something we can be doing that is temporary in nature like putting a subpump and putting it into a container we call haul off or is it too much water to consider?

Mr. Tabata: We take samples and we turn the samples in. They are on the understanding that we can only do so much with the vast amounts of rain. There is no container large enough to control and capture everything.

Councilmember Cowden: So I am hearing that we turn the samples in, but I am not hearing what the samples read.

Mr. Tabata: Some of them are in violation and the department receives them and are working with us to help us get to construction.

Councilmember Cowden: Do you know if 'Anini stream is toxic for the people snorkeling down on the far edge?

Mr. Tabata: Not that I am aware.

Councilmember Cowden: Okay. Then, I see on our finance page there is a backhoe purchased for Solid Waste.

Mr. Tabata: Yes.

Councilmember Cowden: Where is that backhoe going to go? Is that going to Kekaha where it seems that has been perpetually broken?

Mr. Tabata: I will have to get back to you on that.

Councilmember Cowden: Okay. We have talked a little bit, but if we can put just a little energy into fixing the broken fences there, it seems like we would be able to protect the equipment a little bit or something because I keep checking up and that backhoe stays broken. I do not know how they can do their work and I see the site is closed a lot. So I appreciate all the hard work that is going on here and I am trying to see what we can do. You can get back to me on that. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Lyle, for your presentation. Just to follow-up on the runoff tests, if there is a test that comes back positive or above certain thresholds, does that then trigger further tests, as far as where that is entering a stream or where it is entering an ocean so we can have confidence about being in the ocean?

Mr. Tabata: At this point, no.

Councilmember Evslin: There is no HDOH protocol for a positive test follow-up?

Mr. Tabata: They have not asked us to do anything more.

Councilmember Evslin: Okay. Do you know if there is something above threshold, is there a difference between slightly above threshold and way above threshold or is it just...

Mr. Tabata: Yes, there are standards. What we have been turning in some are above, but not at that point where it is, I assume, that critical that they are asking us to cease and desist.

Councilmember Evslin: Okay. When the construction begins at each of these places, based on your timeline it looks like ten (10) or eleven (11) months for two (2) transfer stations at a time, will that result in complete closure of the transfer

station while they are doing construction or will it be partial closure of different areas? How does that work?

Mr. Tabata: I believe in Princeville, we will do a complete shutdown, but we will make space available to collect bag trash, which we normally do when our stations go down right now, but even that has limits. We need to let the contractor we hire explain to us how they will do the construction, then we will do coordination with the contractor.

Councilmember Evslin: For the ten thousand (10,000) gallon storage tanks, does that get pumped periodically?

Mr. Tabata: Yes, it will be.

Councilmember Evslin: Do you have an estimate of how often it gets pumped? Also, whether we have the capacity in house or do we contract that out and if there is ongoing costs?

Mr. Tabata: I do not have that information, because it will depend on...everything will be on the roof. I expect virtually nothing to go in there, but that is there in case something does get in there.

Councilmember Evslin: Alright, thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Kaneshiro. Lyle, I know you are in design phase for this project, but with a two (2) year timeline, you must have some kind of indication of what that costs or budget.

Mr. Tabata: Yes. The Council has already approved our first stage. We asked for approval to apply for, receive, and expend SRF funding. That was, I believe, set eight million dollars (\$8,000,000) and that will take care of Princeville and Lihue. Then, we will be coming back for more funds to finish once we get more firm prices for Hanapēpē and Kapa'a, but the estimate is looking closer to thirteen million dollars (\$13,000,000).

Councilmember Chock: SRF funds are...

Mr. Tabata: Are available. Not for all of the work.

Councilmember Chock: Okay.

Mr. Tabata: Some of the work we need to do—the County has to fund, but most of the work will be SRF funded. It is a very low interest loan.

Councilmember Chock: Thank you. Council Chair Kaneshiro talked about sort of being subjected to these changing regulations. I am curious, I think we need to look before looking in how it is we plan for these renovations and certainly

not do the minimum, but anticipate how it is a moving target. Obviously, what they want is an enclosed system and I just want to make sure what we are investing in meets that direction of how it is we will adapt to what the future changes and regulations will be. Are we considering that in this design process?

Mr. Tabata: Exactly. That is why I said, the work we are doing to design is in step with HDOH.

Councilmember Chock: Okay.

Mr. Tabata: Every turn we get to—decision to be made, we work with them to gain acceptance before we move forward. That precipitates the reason for taking so long.

Council Chair Kaneshiro: Thank you. Councilmember Brun.

Councilmember Brun: Lyle, so WMH, you said the employees were complaining to them about...

Mr. Tabata: They reported discrepancies.

Councilmember Brun: You folks were aware of that?

Mr. Tabata: And I have sent...

Councilmember Brun: As management?

Mr. Tabata: Yes.

Councilmember Brun: Did you folks correct WMH or talk to them?

Mr. Tabata: I think a lot of that was discussed in Executive Session and the rationale and reason for the separation. I do not know if I am at liberty to mention on the floor, if my attorney can advise me.

Councilmember Brun: My question is, what were we doing as management?

Mr. Tabata: With all that I could do, yes. Thank you. The contract did not have any means for me to penalize WMH for non-performance. There was no criteria or language written in the contract for me to penalize them for withholding payments or other...I sent E-mails and letters to them to no avail and it became a very contentious relationship. There was no mechanism for me to hold them accountable.

Councilmember Brun: Okay. Did we approve money for their repairs for the NOVO violation?

Mr. Tabata: Yes, the SRF. We have the loan for the first phase. That is why we are moving forward as swift as we can to do Hanalei.

Councilmember Brun: Do we still have that money?

Mr. Tabata: Yes.

Councilmember Brun: Okay, thank you.

Mr. Tabata: We will be coming back for a second phase to address Hanapēpē and Kapa'a when they are at one hundred percent (100%) design and I get a better estimate.

Council Chair Kaneshiro: Are there any other question from the members? Councilmember Chock.

Councilmember Chock: This one goes to the Kekaha warning. You talked about...I want to get an understanding of what happened here, you are saying basically the spotters were not doing their job at finding what...

Mr. Tabata: No, they would do their job and locate the waste we cannot place. In the past, it was WMH's responsibility to log all of those items and turn in the reports. We are doing that now, but they had not. Undenounced to us, they were not doing the logging.

Councilmember Chock: Okay.

Mr. Tabata: When HDOH came to do inspection, they asked for these logs—unacceptable waste logs and they could not produce them.

Councilmember Chock: Okay, so they were doing it they just were not logging it.

Mr. Tabata: The employees were doing the work. WMH were not doing the logs.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you, Lyle.

Mr. Tabata: Thank you.

Council Chair Kaneshiro: While the rules are still suspended, is there anyone in the audience wishing to testify on this?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: I want to praise you, Councilmember Cowden. You are so tough for being here. When I look at you, it reminds myself of when I am not at the meetings, I am like you with a remote control in my hand. You are so brave and I praise you for being here under those conditions, because I would probably be home. It is difficult to talk about these situations. When I got on board in 2012, I was told in seven (7) years or so we would be closing Kekaha and opening up Ma'alo. Seven (7) years has passed, Ma'alo is nowhere near. We talk about all these other issues and then told about the solutions we have in place—it is not easy, rubbish is a dirty business. The whole world struggles with rubbish. There are countries that incinerate a lot, like Japan, countries we praise allows incineration to reduce waste. What does that do to the world environment? Not just Japan. Everyone is affected. Japan is not even close to the worse places. There is China and Korea that you cannot even imagine what they do with their rubbish. A lot of them ends up in the ocean. We are talking about a world-wide problem, but in America, we expect to be the leaders. When we have important issues before us like pollution into streams in the north shore—there is no good place in the north shore. Congratulations to Public Works for picking up rubbish all of these years there. There are a lot of people who live there and a lot of *ōpala* that comes through that place. When it rains there are problems, but when we sit in this chair and you do not know whether to believe we are capable of handling violations and issues coming through—it is difficult. Constituents want action, they want solutions; they do not want to hear false promises, because they lose faith in government and our ability. I think that is what is happening with Solid Waste. As you look, Solid Waste is tied into Public Works. You say we cannot...the best we can do is in two (2) years, but when it comes to Rice Street improvements, Transportation Investment Generating Economic Recovery (TIGER) grants, all these improvements in front here, Hardy Street—we do it like nothing. Thirteen million dollar (\$13,000,000) projects, putting barriers and sidewalks—we have no problem, boom. We get the job done when it comes to bikes and walkways—we have no problem implementing action. When it comes to landfill, transfer stations, health violations—frustrating. I will term out...I am done in November. You are not going to hear me complain, but the thing is, I think that is what I was elected for—to express the truth, address issues, and help improve our quality of life. The taxpayers pay all of our salaries, including across the street. They expect the truth, they expect action. I do not know...in Solid Waste, I think we have an “F.”

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

Councilmember Cowden: Well, I am going to go on a different tone. First of all, I want to thank Kekaha. The community of Kekaha particularly, has taken on the *ōpala* of all the rest of the island. We need to work harder relative to our solid waste. I have been putting some focus in on that for quite some time. I know it is difficult. I am in somewhat of agreement with what he just said, that we do need to step it up, but I am not as hard on Public Works as you are. I want to be hard on all of us. We need to stop creating all this garbage that we cannot manage. We have to stop doing that and I think if that happened in our own home communities right next to us, we would be a lot more conscience when we throw trash away, you

are not throwing it away, you are giving it to Kekaha. After that, I really want to say, I think I have gotten proposals from three (3) different companies that want to come in to help us with how we manage it. What would feel honest to me is what we are having full conversations with our Administrative team on the viability or non-viability. I understand that the County wants to take it over completely, but maybe we need the help from someone else. There are innovated solutions that are being suggested, offered, or proposed, and I want to have that conversation up here with Solid Waste. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else? For me, I want to say it is promising that we are moving towards solutions. We all know we want to see things happen right away, but obviously it takes time and money. The State changes standards on us. We were always constantly trying to improve the way we are doing things. As long as I have known it, we have put green waste on the ground uncovered, and to now say that it has to be covered or needs to be on concrete—that is a big cost to the community. It is not something we can just snap our fingers on and get it done right away. It is expensive. It takes planning. The last thing we want to do is to say do it, we put up a structure and then HDOH comes back and says, “That structure is not correct, tear it down and redo it.” It does take time to get things done. Obviously, we have a lot to clean up and improve on, but I am glad we are moving in the direction to get this resolved. Hopefully, a lot of these items will not ever come up again. I think Lyle said he is taking care of the daily operations and reporting. Hopefully, we never have to hear about us not reporting things correctly. I think we are taking in more of the responsibility to do it, also. Ultimately, if we do not do it, then the finger is going to be pointing at us. We are trying to improve what we are doing and also taking on more of the responsibility. It is a double-edged sword. We are not going to be able to point at anyone if we are not able to do the things we are doing anymore. I think it makes us more accountable to it and also gives us more power in controlling our destiny. Thank you for continuing this and keeping up with this work. I know it takes long, but ultimately, we want to see things get done—it takes forever. A Councilmember can probably start their Council term talking about this and finish their entire eight (8) years without even having the building come up yet, which is frustrating, but it takes time. You see a lot of these projects that way. You can allocate money for roads, but it takes three (3) years for all of the engineering for the roads to get done. We might not even be on Council by the time that money gets spent on a road that we put money for. It is a good thing and a bad thing. It is a good thing it takes long, because at least you know we are engineering it correctly and trying to get all our ducks in row, but it is a bad thing that it takes a while to get there. With that, is there any further discussion?

The motion to receive C 2020-12 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Let us take our ten (10) minute caption break now and then we will take Communication C 2020-13 regarding the Kaua'i Census.

There being no objections, the meeting recessed at 10:13 a.m. for a caption break.

The meeting reconvened at 10:28 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. Next item, we have C 2020-13.

C 2020-13 Communication (12/26/2019) from the Managing Director, requesting agenda time for a briefing from Marie Williams and Nalani Brun, County of Kaua'i Census Complete Count Committee, and Eric Anderson, Census 2020 Recruiter, on the upcoming Census 2020: Councilmember Kuali'i moved to receive C 2020-13 for the record, seconded by Councilmember Brun.

There being no objections, the rules were suspended.

MARIE WILLIAMS, Program Manager: *Aloha* and good morning. Thank you for having us, I am Marie Williams with the Planning Department, but we are here today on behalf of the Kaua'i County Government Complete Count Committee Group. Several of our committee members are here. We are also in the audience holding the banner. We will be giving a presentation on not only the United States (US) Census. Census day is April 1st of this year and of course the census is a decennial census—it only occurs every ten (10) years. We are also fortunate to have a Census Bureau staff here. Eric Anderson is leading the census recruiting efforts here and will be speaking about that, as well. Before I turn over the presentation over to Alex, I will just start off with talking a little bit about why the County is involved with the US Census, of course we are not the employees of the Census Bureau, but it is a very important event that occurs every ten (10) years. The information that we get from the census, in the Planning Department, especially in long-range and for planning purposes, is not only of the Planning Department, but other agencies also. We basically base all of our assumptions on the data that occurs and the State does its population estimates based on the Census year, as well. The Census also plays a critical role in deciding which amount of funding we get. Also, it describes the changing face of the US, as well as we grow as immigrants arrive, new people, more births, so it is very important that everyone participates in the Census. Alex will be presenting information about this. I also wanted to thank Alex Wong, he is a Planner with the Planning Department. He has been with us for three (3) years. He has brought such a great energy to this Census effort we are embarking on and we are very grateful for everything he is doing with this group. So I will turn it over to Alex Wong. Thank you.

ALEX WONG, Planner: *Aloha mai kākou.* My name is Alex and I have some information to share with you—some statistics on what we have been using to educate the public about the importance of the 2020 Census. I want to say *mahalo* to our Complete Count Committee team. We have been meeting for five (5) months already and everyone has been coming to a meeting every second Thursday of the month. What I would like to share with you is a little show and tell of what we have accomplished so far and what is on our to-do list to accomplish this spring and summer. It states in the US Constitution that there shall be a decennial census conducted every ten (10) years in the United States of America. Basically, you have to do a head count of all the residents living in the nation. One of key purposes of this census is, in addition to the allocation of Federal funding and tax dollars, is the portioning of US House of Representatives at the national-level. In terms of being a

small island State, this is incredibly crucial, as well as in terms of our representation in Congress. Let me share some quick facts on the Census 2020 that are on the Department of Business, Economic Development & Tourism (DBEDT) website. They were published May 8, 2019 and DBEDT has been the instrumental State agency that I have been coordinating with in terms of launching our own community and public outreach on this island. As Ms. Williams has mentioned, on top of the population counts, census data also includes demographics, social economic, and housing characteristics are a population. As many of you already know, one of the controversial questions that has been discussed about the 2020 Census is the citizen question and that went all the way up to the Supreme Court. It was actually decided that it would be removed this census, despite being on previous census surveys. The data is used for determining each State's political representation and also the amount of money they receive from the Federal government—that is our Federal tax dollars. As Ms. Williams' also mentioned, the data is used to forecast population and economic growth, estimate in residential housing needs, utility demands, infrastructure demands, and changes in our economy. Also, local governments, State governments, and the Federal government uses the Census data statistics for policymakers and government agencies to make decisions that affect all of us—residents and taxpayers. Here is a couple of numbers I want to throw out there. Hawai'i response rates have historically been low in previous census. In 2000, Hawai'i's response rate was sixty-six percent (66%), lower than the national average of seventy-four percent (74%). In the 2010 Census, Hawai'i's response rate was sixty-eight percent (68%), which was still lower than the national average of seventy-four percent (74%). The neighbor island, as you would anticipate, was significantly lower at about fifty-four percent (54%). That is kind of part of the culture and also part of the fact that we are the final frontier out here—we are the last stop for many.

This is the statistic that myself and Eric Anderson have been putting out there—this is on the DBEDT website—for every one percent (1%) of the population undercounted in the State of Hawai'i, the State will lose approximately thirty-seven million dollars (\$37,000,000) each year for the next ten (10) years. That is a significant number. This is why we need to count as many people as possible who live and reside on this island, whether they live under a house or on the beach. It is important that we count everyone. This is just a quick list of challenges that we face being a small state in the middle of the Pacific. I included this information here, just to put things in perspective. Out of all fifty (50) states, twenty-six (26) states have actually allocated their own State tax dollars towards their public outreach and education. In order to get their residents to fill out their census surveys, the state of California, I commonly site being that it is a large state, they have allocated about one hundred eighty-seven million dollars (\$187,000,000) for their census outreach effort, which equates to about four dollars and seventy-three cents (\$4.73) per resident. Relative to that, the State of Hawai'i has allocated just a little over seven hundred thousand dollars (\$700,000), which equates to approximately fifty-three cents (\$0.53) per resident in the State of Hawai'i. So for us, it is much more of a grassroots, ground up movement. We really have our own fate in our hands at this point. It is all about effort, community, and how we can communicate the importance of this movement and effort, not just for the State of Hawai'i, but for our island of Kaua'i. There you go right there. The George Washington University conducted a study called, "Counting for Dollars." We have been sharing some of this data, I just

wanted to show you the total program obligations for the State of Hawai'i, also the program names and departments—those are all of our state agencies that benefit directly from the Federal tax dollars and how that affects our state specifically. As you can see, programs in there are national school lunch programs, nutrition programs for our students in our public and public charter schools, Section 8 Housing assistance, Special Education Grants, also things related to healthcare and Medicare, Child Care and Development, and Low-Income Home Energy Assistance. As a rural island, a lot of these will affect us directly. Another number that I wanted to put out there, in terms of a growing concern on this island with our residents is the traffic concern and our infrastructure. Just so everyone knows, we have approximately one hundred sixty-seven (167) miles of roadway and fifty-nine (59) bridges that are Federal aid eligible that the State and County maintain on this island. In terms of bettering our circumstances and situation with dealing with our transportation networks, it is vital that we count everyone. Everyone who has a very passionate concern about this issue—they participate in this survey. I have a little show and tell—these are our tasks that we have completed so far. Number 1, we established a working relationship with Eric Anderson and Nicole Pezario, who represent the US Census Bureau as Kaua'i Census Taker Coordinators. We have begun the #kauaicounts social media outreach campaign. I know some of you are on social media, if you could please share and repost, retweet—there is a lot of good content coming out made by the State of Hawai'i, made by nonprofits, local artist, and videographers that are now out there on YouTube, Facebook, and Instagram. They are going for the sentimental approach that hits you on the heartstrings. Just keep an eye out for those and all you need to do is repost it and it goes a long way. Just getting the exposure and the education. Also, easing the public's fears, especially those in the undercounted communities and immigrant communities, this is a way for them to be represented. We all try to pay our fair share out here, we pay our taxes—this is what we are entitled to under the US government. We have also handed out DBEDT 2020 Census bags that were provided by the State initiative. We were at the Waimea Christmas Parade and The Lights on Rice Parade. The Office of the Mayor were giving them all away, along with Eric Anderson. Where ever you see them, Eric will be there. That is one of the things the State has provided, which are informational pamphlets and these fancy Census bags for the State. We also ordered and received seventeen (17) custom Kaua'i 2020 Census banners, which we brought here today—these are 10-foot by 3-foot banners. I want to send a special *mahalo* to Tami Lam at DBEDT, she has been very responsive and communicative. Whenever I ask her for more pamphlets and bags, she has sent them right away. DBEDT paid for these banners. So these banners were paid for by State tax dollars. This is us trying to reach out and educate ourselves. This is for our community paid for by us. I also wanted to thank Deputy Director of Planning, Jodi A. Higuchi-Sayegusa. She was instrumental on coordinating with the Department of Public Works and reaching out to Hawai'i Department of Transportation (HDOT). These banners will be going up in the usual locations around the island in order to capture the attention and curiosity of our residents as they cruise around and go about their daily life and get to and from work and they sit in the traffic, so keep an eye out. I also wanted to put it out there, if anyone did not get the memorandum, if they do take the banner down because you were told to, please do not throw it away. Please hold on to it, call the Planning Department and I will come and pick it up and resolve the issue. Like I said, this is State tax dollars and we are graciously accepting these banners from

DBEDT, which they paid for. They were also kind enough to allow me to customize it, otherwise it would have just been a bunch of surfboards with some statistics under it, but I wanted to make one that would reach our community and turn some heads—that is where this one came from. The theme we are going with is “more money” because that is what Kauaʻi can use, right now. We also ordered two hundred (200) custom Kauaʻi 2020 Census bumper stickers and I want to say a special *mahalo* to the Office of Economic Development (OED) and Nalani Brun for helping me orchestrate that. This is our bumper sticker. We got approval from the Office of the Mayor. These are going to go on our motor pool vehicles, our Kauaʻi Bus vehicles, and if we have leftovers I am hoping maybe Kauaʻi Police Department (KPD) would also be willing to display some of our census stickers as well, and any additional County vehicles that are not in motor pool. I have plenty of stickers to go around as long as we get all the okays. We have also drafted three (3) custom Kauaʻi 2020 Census Public Service Announcements (PSAs) that we will work with Kauaʻi’s KONG radio and Hoʻike Kauaʻi Community Television, in terms of executing and getting out to the public on social media and the Hoʻike channel on cable television.

Here is the banner and like I said, this was all the support that DBEDT has given our island. At this point in time, we actually have been...with the exception of the bumper stickers that the County has paid for, the County has paid no money towards all of these initiatives we are putting forth. We started with no budget, but we have accomplished quite a bit. We plan on accomplishing a lot more, so this is currently on our to-do list, to support Eric and Nicole’s effort to hire more Kauaʻi census takers, and record and share the Mayor’s address for the 2020 Census, which I believe is happening tomorrow. I want to say a special *mahalo* to Alden for lending a lot of his time and support for the CCC in this movement. Number 3, obtain approval from HDOT, we are working on that one, we are aiming to get the banners up and our campaign launched at the end of February/early March—that is the goal, right now. Expand the #kauaicounts social media outreach campaign. That is the easiest thing everyone can do—share information, educate, and encourage people to participate in the census. It is very simple. It is a ten (10) question survey of very basic questions. We also need to complete and air the three (3) PSAs on radio, cable television, and social media. Number 6, there are also some grant money opportunities that we are pursuing. One of them specifically is the Hawaiʻi Community Foundation RFP and that has to be related to events specifically. So we have been discussing some opportunities to probably focus on three (3) specific undercounted communities that would be Kekaha, Hanamāʻulu, and Anahola. Also, participate in other events that are already going to be happening this year, including the Rice Street Block Party, the Okinawan Festival, and some other possible events. The goal there is to get to those communities that are hard to reach and hard to accurately count. We were thinking of creating a welcoming environment, where we would invite the community and let them know beforehand that they can come and fill out the Census at the event. We will provide laptops with internet and they will be able to fill out their ten (10) question Census at our event and we will provide food for them. That is the dream, right now, if we can obtain this grant money. As I have said, the County of Kauaʻi Complete Count Committee was a County initiative formed with no initial budget allocated for this public outreach event, but I am very proud of what we have accomplished so far. I am very grateful for everyone in the CCC team and everyone who has offered help and assistance along the way. Kauaʻi’s 2020

Census effort is to count every single person currently living on this island. It is a grassroots campaign. At this point, Kauaʻi will not receive any monetary funds directly from the Federal and State governments. Moving forward, the only other cost that I am anticipating is to cover the costs of our radio PSAs that we have been working on. We are currently searching for a minimum of five thousand dollars (\$5,000) in order to compensate our local radio airwaves and stations, in order for them to air these PSAs we are working on. At this time, I would like to turn it over to Eric Anderson. *Mahalo.*

ERIC ANDERSON: *Aloha mai kākou.* My name is Eric Anderson. As Alex said, I am one of the recruiters on the island for the 2020 Census. I came onboard the 1st of October. A little background is, in 2010 I also worked here on Kauaʻi on the Census. Both times, I was a temporary employee of the Federal government. In 2010, I worked the entire operations—that means I was onboard for more than a year in my current stint with the US Census Bureau, it looks like I will be onboard through the summer. My experiences in 2010 were primarily south shore/west side. I was on the ground as a census taker visiting homes. So I have a good understanding of what is involved. Before I start, I want to thank the County, the Council, the Office of the Mayor, and everyone in the CCC team. Every day when I am out there struggling to find people to apply for the census takers jobs, I remember very quickly that I have all these people behind me that are supporting us and I also want to let you know, I think it makes sense to you that I am in touch with everyone across the State who is doing what I am doing. I can tell you for a fact that our County has stepped up much more than all of the other counties in Hawaiʻi, so I think we are doing very well. I am looking forward to all the things that Alex was talking about—every little thing that we can think of doing is going to make a difference here. The first thing I wanted to take a look at here is give everyone a sense of how much Hawaiʻi has grown. I have done a lot of my own personal research, because to me the story of the census is a fascinating look at the history of the US, but I think everyone knows that before we became the territory of the US, the Kingdom had also conducted census. Because of our limited amount of time, I am not going to take us through all of that, but a couple of the things that I do want to point out is that the first census that is in the archives over at the University of Hawaiʻi at Mānoa takes us back to the 1830's. The one a lot of people refer back to, which was the last census taken by the Kingdom was in 1890. The population then was about ninety thousand (90,000). The other part of the story the census tells us is more or less what we were thinking at the time, not only in the data that is produced, but if you go back to the questions that were asked, it tells us about the attitudes, the mind sets, the values, beliefs, that the government and maybe, in general, the overall arch in what cultural beliefs were. Of course there were many challenging questions that people have been confronted with. The most interesting thing is for us in Hawaiʻi, I think, in terms of race and ethnicity is that until 2000, people could not choose their own race/identity. The census takers are the ones who would stand at the door, look you in the eye or look at your face and decide what you were and thankfully that has changed. We are now at a point where, I think everyone recalls, not only will you pick a general category, but you can fill in the details of your background and people can choose multiple race and ethnic origins. Today, I believe about fifty-four (54) languages are going to be available to people when they fill out the census—both online and we will also try to provide some local residents who can...who will get

hired by the census and we will try to support people at the door with interpreters, as well.

Here are the ways people are going to be able to respond. I think most of you heard it will be online. We are also going to deliver packets of material personally at the door where people do not have mail delivery. Later on in my presentation, I have provided a map that identifies some of the areas on Kaua'i where they have general delivery or everyone has post office boxes, so obviously, they are not going to get mail and we will hang things on the door if they are not home, but we hope to hit every house. The last thing that is my *kuleana* is the fact that we need a lot of census takers and we will be visiting houses that do not respond to the census. To give you an idea of the timeline, I will not go through all of this, but you can see there are a lot of operations involved just in 2020. Obviously, you see the advertising campaign at the top that Alex referred to, but even last summer there were a lot of numerator's in the field working on the mapping we need. That all started in 2010, obviously Google has come along and Google Maps has become part of the data set we use, but they still go back and find new developments, new apartment structures, et cetera, that need to be added to the map. People are going to have home delivery, as I said, where they do not receive mail, but people are also going to receive a card in the mail and that will describe to them how they can go online and answer the questions. Census day is April 1st, then throughout the summer, we do non-response follow-up, the name obviously tells you what it is about. Census data needs to be delivered to the President the end of December, then we have the other two (2) aspects that are most important, the redistricting and all the data products that are developed. Alex kind of hit this—the self-response rates across the country, my sixty-five percent (65%) is one percent (1%) higher than his for the national average. The undercount estimates to the right are somewhat disputable. Some people go on the high-end, some people look more on the low-end, but either way, as Alex said, even a one percent (1%) undercount costs us millions of dollars. To give you an idea of the work load we are going to face in the summer, if we see a seventy-five percent (75%) response rate here on Kaua'i, which is optimistic, census takers have to count eighteen thousand (18,000) people this summer—that is a lot of work.

I want to emphasize, too, undercounting affects Native Hawaiians, Pacific Islanders, and Asians the most. It is simple to understand if people are invisible, then funding may never come. It especially affects children. You can look at this on your own. I have printed out a color copy, but this basically shows you that it is a sophisticated approach here. The different colors in the map represent the different ways that we hope to connect with people to get them information to ask them to respond to the census. The yellow areas, because it is easiest for us to see folks in the audience, as well, the yellow areas are where we are going to hand deliver census packets rather than mailing them. There are a lot of folks who have post office boxes or general delivery. The next slide where the cross hatches are represent places on the island where so far we understand twenty percent (20%) or more of the residents in these areas do not have internet subscriptions. At first glance, you are going to say, well then there are at least twenty percent (20%) of these of folks that cannot do their questionnaire, but I want to reassure you that it is possible to do it, if you have a data subscription on your phone, to be able to go on your phone and do it, as well. It still is a concern and does present some challenges, but everyone will have the

opportunity to do it on paper, the old fashioned way. I do not want people to think they are being forced to do it online. They will have the option to do the paper and pencil version, in this case, sorry, pen. One of the things that we saw in mid-2019, where these surveys done about these people's attitudes, so when we look at non-response, we also have to think about what are some of the reasons why. I think we all know that we do not always get the best civic education in school or we do not understand the importance of the census. People just do not connect with the Constitution, with taxes, with apportionment, and so on. You can see from this survey that pure research did that. There are a lot of people who are in the middle—they are neutral. Forty-eight percent (48%) do not think there is a benefit or there is any harm. They do not have any understanding of the impact it has on funding. Then the other important aspect—I have handed out something to the Council here about data stewardship and I, again, want to point out that the Census Bureau is disconnected from all other agencies in the government. There are a lot of Federal privacy laws that govern how we handle data. Every employee is sworn, they have a written affidavit they have to sign, and they are sworn for life they have to protect this data, and there are very severe penalties. For all of the genealogy folks, they are the ones who have taught me a lot about how they use census data and as you see, after seventy-two (72) years, you can access names and addresses if you are researching your family. The next release for 1950 is coming in 2022. Very quickly, a visual census form pretty much looks like 2010. It is technically nine (9) questions, it is really ten (10). It takes one (1) cup of coffee and you are done. Each person in the house is identified by age, birthdate, race, and ethnicity. You are only being asked to give your address and telephone number. Okay, are there any questions or comments?

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just want to thank you folks first off for coming here and all the work you are doing—this seems like such a grassroots effort to help get Federal funding for Kaua'i, also for ten (10) years of data going forward, this is so vital for us to understand demographic patterns and all kinds of vital information, so thank you for the work you folks are doing and coming before us with this presentation. One question off the bat just to be clear, are they still looking to hire census takers?

Mr. Anderson: Yes.

Councilmember Evslin: If someone wants to apply they go the job. When do you close that? I know you are looking at the end of that window, as far as people applying. When would be the deadline for them to apply?

Mr. Anderson: We would like people to apply within the next two (2) or three (3) weeks. I believe that we will be still looking for people until the end of February.

Councilmember Evslin: A question for Alex, and you have already given me the answer a while ago, but I forget—you said it is forty million

dollars (\$40,000,000) per year, per percentage undercounting that we would lose. What does that work out per person counted?

Mr. Wong: I have been told that it is difficult to break that down into a per person number, statistically speaking there would be some inaccuracies throwing that number around. That one percent (1%) is for the State, not just our island. That is the other thing too, it is a little higher level than what we can get.

Councilmember Evslin: Regardless, it is a big number, though, per person. Thank you, folks. However, we can support them I look forward to helping...hopefully getting some people to apply for the job...however we can support when the actually census is going on.

Council Chair Kaneshiro: Just a quick follow-up as far as the part-time job—what does that entail? If you folks want to say a little more, I know it is twenty dollars (\$20) per hour.

Mr. Anderson: Right, I moved on to those slides here real quick. I wanted to make sure we had a chance to catch ourselves with some other questions. The training will be in March and April. People can work through August. Twenty dollars (\$20) per hour. It is flexible, part-time. We are happy to have people working just prime-time for us, which is when people are home—late afternoon or early evening, and on weekends. So if someone can shave off six (6), eight (8), or ten (10) hours a week from their schedule, even if they have another job or have *keiki* or *kūpuna* care, it is a great way to get out into the community. We think of it as community service. You can work full-time if you want as well. There is no over-time and it is a temporary Federal job, so it does require an online application through the Federal government—there is a background check. Basically, people can work just a few hours a week for us—they are really going to make a difference. The application online is a really simple website. It is “2020census.gov” and you do not even need the forward slash jobs, just go to 2020census.gov and you will see a button on top that says, “Jobs.” You are looking at folks that are going to be working throughout the summer, but if something happens, the employment is temporary and some people will only work a month for us or a month and a half. As we start knocking off these addresses there will be less work, right. There is a general workload. Eighteen thousand (18,000) people need to be counted, approximately. So by the time we get to the end of the summer, we do have smaller crews out in the field.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I, too, want to say *mahalo nui loa* for all the work you folks are doing. I think it is really important as you have shown. April 1st is actually census day. If people are wanting to do it online, will it only be available online starting April 1st?

Mr. Anderson: Everyone will get cards in March, or as I have said, we will hand-deliver packets, probably by the beginning of March it may be

available. Even before people receive a card it might be possible for them to check it out.

Councilmember Kualii: When these cards come, it will tell you how you can do it online?

Mr. Anderson: Exactly, yes. If people prefer a paper version, they can call a number and request it and their request will come to us locally and we will make sure we go to the house.

Councilmember Kualii: All that is coming to the house is this card, not the actual...because you said everyone will have the opportunity to do on paper, but if we just want to get it out of the way online, then you do not even need to...

Mr. Anderson: You will be able to do that, yes. The short answer is, some people will be given both. They are still testing this out. So they are going to try to give people both options in some cases and in other cases people will get a card.

Councilmember Kualii: Basically, the job is after that, when people do not do it, then people are following-up.

Mr. Anderson: Exactly.

Councilmember Kualii: You are saying too, even if you only have a few hours a week, you could do it part-time.

Mr. Anderson: Yes, and we would like to hire people from every part of the island so that we have crews that go out in their own neighborhoods and they are walking around in places they grew up in. They are probably going to know half the people that they talk to and it makes it easier for everyone.

Councilmember Kualii: Yes, I live in Anahola and I am sure our community association will try to identify some people and make sure they work with you and you can definitely put your banner up on our fence along the highway.

Mr. Anderson: Thank you.

Councilmember Kualii: Thank you so much for all your hard work.

Mr. Anderson: Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: You folks thought about giving more pay to those that need to walk in Kekaha and in Waimea Valley, because there are a lot of dogs. The dog is only on a chain, the dog does not bark.

Mr. Anderson: I will bring the beef jerky.

Councilmember Kagawa: You give the dog beef jerky?

Mr. Anderson: Oh, yes.

Councilmember Kagawa: They are going to bite you first.

Mr. Anderson: No.

Councilmember Kagawa: Kaua'i people...this is a unique place. You need to incentivize them with food. You need to give them something. They are not going to do something for nothing. Can you think about that if you want to hit the improvement mark? I think that works. Like the free and reduced lunch for the students—the parents fill it out because they want free lunch for their kids. It is big bucks, if you need to pay it is five dollars (\$5) a plate, but if you have free and reduced lunch, it is zero dollars (\$0). Even with the bus, they will fill out something if they get some benefits—even if you make hot dogs. I can help you folks hibachi. Then the signs—the banners, I am an expert in that. You have to put them where they will be visible. I can help you put up those banners and make sure they do not take them down. The bumper stickers—you are wasting your time. I gave out about two hundred (200) and I only see about five (5).

Mr. Wong: Do not worry, we are not putting them on.

Councilmember Kagawa: You need to put the bumper sticker on yourself. They all will tell you they want the bumper sticker, but they will not put it on, because I have been there, done that. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you so much. How many census takers have you hired so far? How many do you think you need?

Mr. Anderson: We are at about thirty-five percent (35%) of our applicant pool. We should be at about ninety percent (90%), right now.

Councilmember Cowden: Okay, so we need them.

Mr. Anderson: A lot of them.

Councilmember Cowden: Okay. My mind goes to some of the people who probably might need the services, at least the social services, we estimate about twenty-five percent (25%) housing insecure—that means they are staying with some friends or might be out at the end of the month, they might be in their car, who knows where they are, but they do not know where they are going to be next week for sure. So we have quite a lot of those and that particular population tends to be a bit nervous and sometimes the people who are housing unsheltered people in their garage for a few weeks do not want to claim them because they are afraid they might get a tax increase—you never know what. People are afraid of the government at almost every

level. I had a few ideas, but I still have question on that. Does every citizen have a discrete number so we can be clear we are not double counting? How do we not double count?

Mr. Anderson: First of all, I want to point out that it is not just citizens that we are counting. That is maybe the most important thing I can share with you based on what you are saying, is that we are in fact trying to count everyone. The second part is that the Census Bureau, their job, they are the bean counters, they are the data wizards. They do their absolute best to make sure we do not double count people. In the end, it seems we always end up undercounting. Again, I want to refocus you on that as the primary issue—undercounting, because people do not want to be identified.

Councilmember Cowden: The reason why I ask is because I think if I was trying to guide this, I would have consideration for a presence at the food bank and I would have a computer right there for people to come in and fill it out while they are waiting. People stand outside of the food bank for two (2) or three (3) hours before they go in. So you have this captured population, many of whom would fit into that category that we are discussing. Many of whom do not have access to the internet at home. So if there was a little bank of computers that rolled up in a car or something like that, it gives people something to do and you are able to educate—that is an idea. Another idea would be, kind of what he said, an incentive. Even the power company, Kaua'i Island Utility Company (KIUC) gives you a big bag of rice and chili if you just show up to their meeting, right...if you were doing it in places...if you go down to encampment areas and you do not want to totally bust the encampment exactly, but if you come out there and you got the big hot dog cookout and have that embankment of people who can come and count. Do you count inside our correctional facility and holding cells?

Mr. Anderson: Just very quickly, if you look up at our timeline again, I went back, so you see March and April, Group Quarters, Advance Contact, Enumeration at Transitory Locations—we have special operations where we in fact go to Pacific Missile Range Facility (PMRF), we go to nursing homes, we work on finding all the homeless encampments, we work with Kaua'i Economic Opportunity, Inc (KEO), we work with Child and Family Services, et cetera. What you are describing is probably the most challenging aspect of this and the Census Bureau has been at it for a long time and there is still no clean solution here. We do our best and we try to access people, but we also do not want to harm the community. We have to understand that we are data stewards, so it is not like we are going to force people to provide information.

Councilmember Cowden: Yes. I just want to incentivize. I liked what Alex said about social media pieces. I have not seen those yet, so I will definitely try to post those, but if there is a localized one where it assures people that they will not be punished for having someone who has not yet got their green card or their housing someone who is struggling, because even just to have a driver's license we have so many challenges. No one wants their address claimed because they are afraid real property tax is going to find some way to go after them. We have to have little social

media things assuring people they are not going to get stung for kindness or for compliance. Those are just suggestions.

Mr. Wong: If you follow the County of Kaua'i's social media on Facebook, Marie and myself manage the Planning Department's Facebook and Instagram. We will post the PSAs that have been produced by the US Census Bureau, which do address privacy and data concerns. In one PSA that I downloaded yesterday, they state very plainly that no County, local, or Federal agencies outside of the Census Bureau are allowed to access that data. Only the Census Bureau is allowed to access that data. I will be posting those PSAs that have been created by the Census Bureau, as well as the PSAs that are being created at the State-level and County-level.

Councilmember Cowden: There is no phone app? There is no Census 2020 phone app, yet so people can just click that.

Mr. Anderson: Click that for what purpose?

Councilmember Cowden: Everyone has an app for this or that or the other thing, like if there was a Census 2020 phone app. Most people who do not have housing have a phone.

Mr. Anderson: As I have said, people will be able to answer the questionnaire with their phone.

Councilmember Cowden: Going to a website, not an app.

Mr. Anderson: I am not sure. I thought they were going to create an app—a free app of course, but that would be something that would be announced. I think it will be part of the whole package of PSAs. They are going to come out to educate everyone about their ability to respond.

Councilmember Cowden: My final statement is that I want to thank you all and really recognize the sensitive way you are approaching it and the way you frame it and I appreciate how we are going after it. To the people out there, I really hope you answer this, because it helps us get money for all of us and including the roads.

Council Chair Kaneshiro: Are there any other questions from the members? Councilmember Kualii.

Councilmember Kualii: Just a quick follow-up. The online—say our community association was planning a big event, maybe with hotdogs and we had all our laptops and everyone who came we got them to go online and do it, we probably should not do it on April 1st because...well, as I see too that is a Wednesday, so we will be in Committee Meeting, but I mean you do not want everyone going online at the same time, I would imagine, across the country.

Mr. Anderson: Well, there are three hundred million (300,000,000) plus people to count and I am sure on any given day the traffic at the Census Bureau Website...

Councilmember Kuali'i: They all went on April 1st.

Mr. Anderson: It is only about jamming up Anahola's airwaves more than anything that I would be worried about, but I do not see a problem with it. Although, the way it works we could see things breakdown once in a while. It is a new system, but I am pretty sure that we can get everyone in Anahola online at the same time and we would be okay. It would be great.

Council Chair Kaneshiro: Are there any other questions? If not, thank you. Thank you for the presentation.

Mr. Anderson: *Mahalo.*

Council Chair Kaneshiro: Anyone in the audience wishing to testify on this item?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members?

The motion to receive C 2020-13 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

LEGAL DOCUMENT:

C 2020-15 Communication (12/26/2019) from the Housing Director, recommending Council approval of the following legal documents for the Pua Loke Street 'Ohana Zone Project located at Tax Map Key (TMK) No. (4) 3-8-005:003 (por.), Līhu'e, Kaua'i, Hawai'i:

- Memorandum of Understanding and the indemnification provision contained therein, relating to State funding in the amount of \$2,000,000 for the construction of the Pua Loke Street 'Ohana Zone Project; and
- Contract for Health and Human Services by and between the State of Hawai'i Department of Human Services and the County of Kaua'i Housing Agency, relating to State funding in the amount of \$2,363,972 for the provision of services at the Pua Loke Street 'Ohana Zone Project

Councilmember Kuali'i moved to approve C 2020-15, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the members on this item? Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members?

The motion to approve C 2020-15 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

CLAIMS:

C 2020-16 Communication (12/11/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Janell L. Sablan, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-17 Communication (12/23/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jenny Silva, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-18 Communication (12/30/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jenalyn Constantino, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i

Councilmember Kualii moved to refer C 2020-16, C 2020-17, and C 2020-18 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on these items?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: I just have one comment. I saw in the news that our County road folks patching Kōloa Road or Lāwa'i Road and members of the public are yelling at our road crews about patching the *pukas*. For me, I think it is cowardly to do that. The workers are trying to fix the road, it has been neglected for a

long time and the second point is, if you know the road is busted up, why are you going to go fast? If these cars are getting damaged from the road—yes, the road should be better, it is inexcusable, but go slow, just go slow. I try to avoid the potholes...try to make it in the middle of the car. Why are you going to drive fast through the pothole? Of course your car might get damaged, then you will file a claim. Slow down. Your car is not going to get busted up if you go slow. If the road is busted up, go slow.

Council Chair Kaneshiro: Is there anyone else?

The motion to refer C 2020-16, C 2020-17, C 2020-18 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

RESOLUTIONS:

Resolution No. 2020-01 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Lori J. Otsuka - Business*): Councilmember Kuali'i moved for adoption of Resolution No. 2020-01, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members? Roll call vote.

The motion for adoption of Resolution No. 2020-01 was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR ADOPTION: | Brun, Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Seven (7) ayes.

Resolution No. 2020-02 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Carolyn R. Larson - History*): Councilmember Chock moved for adoption of Resolution No. 2020-02, seconded by Councilmember Kuali'i.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any final discussion from the members? Roll call vote.

The motion for adoption of Resolution No. 2020-02 was then put, and carried by the following vote:

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|-----------------------|---|------------|
| FOR ADOPTION: | Brun, Chock, Cowden, Evslin, Kagawa, Kualii, 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.

Resolution No. 2020-03 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Patrick H. Ono*): Councilmember Kagawa moved for adoption of Resolution No. 2020-03, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members? Roll call vote.

The motion for adoption of Resolution No. 2020-03 was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR ADOPTION: | Brun, Chock, Cowden, Evslin, Kagawa, Kualii, 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.

Resolution No. 2020-04 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Randall T. Nishimura*): Councilmember Kuali'i moved for adoption of Resolution No. 2020-04, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none. Is there any discussion from the members? Roll call vote.

The motion for adoption of Resolution No. 2020-04 was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR ADOPTION: | Brun, Chock, Cowden, Evslin, Kagawa, 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.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2768) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS FOR ACCESSES AND DRIVEWAYS (*County of Kaua'i, Applicant*) (ZA-2020-4): Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2768) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 5, 2020, and referred to the Planning Committee, seconded by Councilmember Chock.

Council Chair Kaneshiro: With that, I will suspend the rules. Ka'aina, if you want to give a brief overview of this Bill, please.

There being no objections, the rules were suspended.

KA'AINA S. HULL, Planning Director: Good morning, Chair Kaneshiro and members of the Council. Ka'aina Hull on behalf of the Planning Department. It is going to be brief. One hundred twenty (120) feet, five (5) homes. That is the trigger for a county standard roadway in the CZO, right now. One hundred twenty (120) feet, longer than one hundred twenty (120) feet, if you want to build a house, you need put a county standard roadway in. You want to build more than five (5) homes, does not matter the length, if you want to build a fifth home or more, you need to put a

county standard roadway in. That has been in the books since 1972. I will be honest, I do not know why. Requiring a county standard roadway in the Zoning Ordinance, the Zoning Ordinance is primarily concerned with the form and character. We are not sure and we are researching trying to figure out why it was put in there—we are just not sure. The Planning Department is overall kind of the clearing house, but generally in engineering type of standard, the county standard roadway would be in the engineering section of the Code, not the Zoning Ordinance. Developers, property owners, and contractors are all use to this standard—it is particularly onerous and very costly for property owners and homeowners when they want to construct a home that is either the fifth home or longer than one hundred twenty (120) feet away from the public thoroughfare. In researching this out, in discussions with engineering, they are saying what is the length of a driveway before we need to upgrade it? Is it one hundred twenty (120) feet? From all of engineering's research and perspective, they are saying there is no length, it is the intensity of a driveway that will need it to possibly upgrade it to a county standard roadway. So I said, "That is where the five (5) homes come in." Engineering's response on that was, "No, five (5) homes does not necessitate a county standard roadway." The volume of traffic and trips from five (5) dwelling units would not necessarily be a county standard roadway. So engineering started going through an analysis of what density count would necessitate a county standard roadway. They came up with a number twenty (20), essentially, with twenty (20) dwelling units that would generate enough traffic that would necessitate a county standard roadway. Anything less than that, they do not have an issue with, really. That is where we came in with the proposal to say that we are taking away this one hundred twenty (120) foot requirement and that is what is being proposed on this piece of legislation, right now, and we are taking away the five (5) unit count as the threshold and moving it up to twenty (20). That is the threshold we are proposing for upgrading a common driveway to a county standard roadway—twenty (20) or more units, not five (5). Now, in realizing that above and beyond county standard roadway issues, there will still be some fire concerns and fire accesses to these sites. So we have been working with the Fire Department and they have essentially that partner Bill that is also up for First Reading today. As far as the CZO draft before you folks, we are looking at taking away one hundred twenty (120) feet requirement as a trigger and the five (5) homes that is a trigger for a county standard roadway to say, twenty (20) or more homes is the trigger for a county standard roadway. So it really frees up the ability for homeowners to now begin construction on their homes without this very costly county standard roadway requirement under the twenty (20) threshold.

Council Chair Kaneshiro:

Councilmember Kagawa.

Councilmember Kagawa: Mr. Hull, if you share a common driveway for multiple homes is that the result of the condominium property regime (CPR) process?

Mr. Hull: CPRs do utilize common driveways, but you also have properties that have three (3) or four (4) homes on it that are not a CPR. A lot of times when you have families that own properties and build homes for their sons or daughters and when they grow-up and what have you, they will not necessarily CPR it. So you might have three (3) or four (4) homes on a lot of record

without CPR that will have a common driveway. Indeed, CPRs do utilize common driveways, as well.

Councilmember Kagawa: I have always been confused as how the CPR process creates a lot of these issues. A normal property, you have your own driveway to your house. These CPRs sometimes go through the CPR process, get the entitlements to build, then it becomes all of the owners trying to figure out who will pay for that common driveway. That kind of bugs me because you have the entitlement by going outside of our normal process to rezone that land, now you have the driveway, and no one wants to take responsibility. To me, it is created by the private folks in the first place. It may not be the current owner, maybe the previous owner bought it like that, but the CPR process is creating a lot of the headaches that we see now that we are trying to address. My second question is...

Mr. Hull: I can make one point, Vice Chair Kagawa. On that, indeed, what commonly has happened with CPR, and because it is a State process that the County has very little say in it, with the exception of density, what we often see is with the fifth home trigger, needing to go from a common driveway to a county standard roadway, you have these CPR lots that have, often in cases because you have agricultural land—you can have five (5) houses on that agricultural lot. What the CPR owners will do is, they will each buy their own unit and they will race to the gun to build their unit, once four (4) units go up, they stick the last fifth CPR unit owner with the bill saying, "If you want to build that, you need to put in the full blown county standard roadway." It is that fifth CPR owner that often does not get built, because they cannot afford themselves to build a county standard roadway. This Draft Bill will relieve that condition for the vast majority of those cases, because it ups it to twenty (20). On those, say, agricultural lot CPRs, they can only build five (5). So, that fifth owner, now will be able to build or access his home with a regular common driveway.

Councilmember Kagawa: So, from five (5), the trigger will now be twenty (20). If you have nineteen (19) or less, you do not need to have the county standard roadway?

Mr. Hull: You do not have to have the county standard roadway, but you still have to meet the fire access requirements.

Councilmember Kagawa: Why are we jumping so high?

Mr. Hull: That is what I was saying earlier.

Councilmember Kagawa: You can go five (5) to ten (10) or fifteen (15). Why are we jumping all the way to twenty (20).

Mr. Hull: That is what I was saying earlier, Vice Chair Kagawa, is that in researching with the Engineering Division and why the five (5) was the threshold and if we should keep it, Engineering was pretty adamant in saying, "Five (5) homes does not generate enough traffic to necessitate a county standard roadway."

Councilmember Kagawa: Okay.

Mr. Hull: That is why I asked, "Well, what is the threshold?" In their analysis of trip generation and vehicle per residence, their analysis came out to twenty (20) units. Twenty (20) units will create enough trips to necessitate a county standard roadway.

Councilmember Kagawa: But still five (5) or more, you need to go through the Fire Department to make sure you meet their accessibility.

Mr. Hull: With one (1), you technically need it.

Councilmember Kagawa: Even with one (1) they still need to make sure. I do not know about one (1)...it should be a higher number than one (1), right? If it is one (1), they can access from the road they are at, unless it is way in.

Mr. Hull: Unless it is back...I do not want to speak for Daryl.

Councilmember Kagawa: They have human judgment to decide on those cases.

Mr. Hull: I have to defer to Daryl folks.

Councilmember Kagawa: Okay, I can ask that later. The last question is, this one hundred fifty (150) turnaround area was brought up by Jeremy Harris. I think he was saying, why not allow the turnaround to be at the end? Is that what he was asking for?

Mr. Hull: I am sorry, Vice Chair Kagawa, I hate to keep pushing out, but that is also a Fire question.

Councilmember Kagawa: Okay, my last question...I have one more. My man over here, the rock, if you use a good rock—I have seen nice rock solid...it costs a lot of money to put that nice big rock. You can see it is laid out well, has barriers to hold it in place whether it is the natural ground or some type of edging. I see what he is saying, that in some cases because concrete seems overkill. I know it is expensive to pave with concrete—a really long three hundred (300) foot driveway. What do you have to his point that maybe we can get flexibility?

Mr. Hull: For the common driveway aspect from the CZO, we do not care if it is paved or not, but again, there will be issues with the Fire Department, as far as...

Councilmember Kagawa: Okay, we will ask the Fire Department when they come on that question.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: There was one more that was the non-conforming passed driveways. Is there a solution to that? Is that being addressed?

Mr. Hull: I think what Dennis Esaki was referring to was there were in the past, subdivisions approved that have...they are called "flag lots." I think this is what Mr. Esaki was referring to. I know it is an issue, but I do not want to put words in his mouth. Being that he is not here, I am assuming he is talking about flag lots. A flag lot essentially looks like a flag, because it has a pole, which is the driveway access and the flag portion is the actually the lot on record. Mr. Esaki was talking about earlier in that some of these poles were approved at ten (10) feet wide, which on the common driveway from the Planning Department's perspective, we are fine with, but again, Fire is going to come up here and say, this is what we are going to need for fire access to the structure. How that can get resolved in allowing a homeowner to build on a property that does not have the width that can allow for a truck to access a site in the event of an emergency, I am not sure there is anything we can do, quite honestly, Councilmember, aside from possibly the property owners looking at gaining easement rights on the adjacent property to put in that access easement that is the necessary width.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: A number of questions that have come to me from constituents are for things that have been built quite some time ago. We heard Jeremy Harris talk about that Nāwiliwili Valley, there is quite a lot in Moloa'a that is sort of unfolded. In Kalāheo, there are some older areas like in the Texeira Tract, for example. I think of Akemama Road in Lāwa'i, Kaumakani Camp—what about all these existing places, because a lot of them are...I even want to say, when it comes down to Keālia from Kapahi, I do not know how the garbage people get in there, but they somehow do. So, what about those?

(Councilmember Chock was noted as not present.)

Mr. Hull: None of the proposals get placed retroactively on an existing structure. The trigger is a dwelling unit. Any new dwelling unit that is proposed under the code right now—if it is more than one hundred twenty (120) feet from a public thoroughfare to build that new dwelling unit to get your building permit, you are going to have to put in a county standard roadway, or if you are going to build a fifth unit, before you build that structure, you are going to have to put in a county standard roadway. While we were just saying, we are taking away those requirements making it twenty (20), so when you build that new dwelling unit, you can use a common driveway to access it unless it is the twentieth or more house.

(Councilmember Chock was noted as present.)

Mr. Hull: Above and beyond that, any structure/property that is existing today, that has structures on it, it does not get retroactively put upon them to decrease the standard.

Councilmember Cowden: When people are specific with me—and these tend to be well informed people—when there are properties up for sale on areas behind that existing old development. If someone puts up three (3) houses behind there, do they have to then develop all of the road through the people in the front or because they are going to be through what is existing? How does that work?

Mr. Hull: Right now, today, if that lot behind the existing development is longer than one hundred twenty (120) feet, then yes, they have to put that county standard roadway and I am guessing in the situation you are talking about they probably have an easement or pole section of their lot goes adjacent to the front development. They have to put in the full county standard roadway. Under this proposal, if the lot is behind an existing development, the only time under this proposal they would have to put in a full-blown county standard roadway is if they are going to build that twentieth or more unit.

Councilmember Cowden: So the people in front would not be held accountable to put in a portion of that, because people have long-term renters for forty (40) years with them and they are worried about having to build that. So they would not be contributing to that?

Mr. Hull: On a separate lot on record, no, I can say. On an existing lot of record, if it has gone through the CPR process—I cannot speak to every single private AOA that is established that may require them as a group to pay into it. So in those scenarios where the CPR is setup that they have a shared cost...like I said earlier, most CPRs are set up to dump that final cost on the last person to build a house, but there are a few scenarios where they are set up to have cost-sharing that everyone has to pay in to build that county standard roadway.

Councilmember Cowden: One last question, I thought I heard Larry Lau's question correctly, if there is one (1) piece of property with its own TMK, another piece of property with its own TMK, but maybe there is a one thousand (1,000) foot driveway in between or more, can that fall under the same?

Mr. Hull: Yes, I was listening to that earlier, we would have no problem, if any of the Councilmembers wanted to introduce that. We would definitely welcome that as a friendly amendment.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Ka'āina. I have a number of questions, I think are for Fire, so I will hold on to them. One concern I heard from a constituent—and it is kind of a confusing situation—but as far as I understand, she lives on an agriculture lot with entity for two (2) homes off of a county road. The county road is not up to county standard, so she said she cannot get a zoning permit for her second house, because they are already at the maximum number for that roadway. I believe she was rejected by the Planning Department—and this is anecdotal, so I am not totally sure. One, does that sound like it could be true and

two, this Bill would not affect any of that because this is only referring to private, right? It would not refer to a county roadway.

Mr. Hull: Yes, I do not see how this Bill would apply, because it does not upgrade existing county roadways, but at the same time...I will need to further look into it Councilmember, because there is no threshold on a county standard roadway as far as that limiting the number of units that we will sign off on the building permits.

Councilmember Evslin: Okay.

Mr. Hull: Unless, in this scenario, that home she is trying to propose is more than one hundred twenty (120) feet. If that home is more than one hundred twenty (120) feet from the county standard roadway, indeed our front counter technicians would say, "We cannot sign this permit, because you need to put in the county standard roadway." If that is the situation, I am not saying it is, because I have to look further into the specifics. If that is the situation, this Bill would allow her to construct that house without having to do that county standard roadway.

Councilmember Evslin: That is interesting. Just so I am totally clear, as long as you are within one hundred twenty (120) feet, you can be living right off of a county road that is ten (10) feet or very narrow not up to county standards and there should be no limitation on what you can build on that lot, because of the narrow roadway.

Mr. Hull: From a Planning perspective.

Councilmember Evslin: Okay. It still could get rejected down the line.

Mr. Hull: If Fire or Engineering has some issues, then, yes.

Councilmember Evslin: Okay, maybe I misunderstood. Maybe it was not you folks rejecting the permit, it could have been Fire or someone else. Okay, that helps and I will direct the rest of my questions to them.

Council Chair Kaneshiro: Are there any further questions from the members on this Bill? If not, thank you.

Mr. Hull: Thank you.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this Bill?

FRED ATKINS: My name is Fred Atkins. I am representing myself. I basically wanted to thank the Planning Director, the Planning Commission, and the Fire Department for taking the time they have to bring it to you, because it is an issue, I think it has been going on since 1972. For me, it is kind of a personal

issue. In regards to a piece of property that has long driveways, I am trying to buy the property so I can have some property for my children. I have three (3) children who are born and raised here. They all went to school, they came home, and this piece of property gives them a chance of getting property lines that will be adjacent to each other, but it is right in the middle of...these are longer driveways and in the due diligence it looks like I can get this at a price where they can afford it. They are all renting now, so if we are doing the homes it would free up three (3) rentals, but this is a big stickler, because of the twenty (20) foot wide—and it is not really twenty (20) feet wide. If you do it at the county standards and you have the sides, swales, and drainage, it just makes it...some of these are four hundred (400) feet. In regards to the Fire Department, I think it is negligent if you did not bring it up to where they could have access, because your insurance would go so high on your homes—it would not be feasible, unless you put in sprinkler systems. I understand how much concern you have, pros and cons, but from a local perspective, it gives us a chance. This is not a twenty (20) unit or fifteen (15) or sixteen (16), but it is right on the borderline. I am going to follow this because it is something I do not think I can commit to—to buy the property without you folks resolving this issue. I appreciate that you already have it on an agenda for a public hearing. I guess it goes Committee after that? It goes to a public hearing, then Committee, and then you folks decide what you want to bring back. Okay. That helps me understand the timeline. I have not been here to testify in a long time, and Councilmember Kagawa, I want to thank you for being lively and entertaining for me, because sometimes these meetings are really boring, so I appreciate that. Thank you very much.

(Councilmember Brun was noted as not present.)

Council Chair Kaneshiro: Is there anyone else wishing to testify?
Seeing none.

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

Council Chair Kaneshiro: Is there any discussion from the members?
Councilmember Kagawa.

Councilmember Kagawa: Just to clarify Mr. Atkins, we go to public hearing, then we go to Committee Meeting where we will massage it and make whatever amendments we feel is necessary, if any, it just may stay like it is. This may be the best alternative. The good thing about this, I feel, is that it went through a lengthy process at Planning Commission. Personally, I like the Planning Commission, I like the make-up. I think there is a solid group of diverse opinions. Nothing is perfect, but I think Planning Commission-wise, we have a good commission. I believe it is going to get better when Mr. Chiba gets on-board. Again, I think we need to hear from the public any issues that seem unfair or unreasonable, because this is a complex issue that affects many. This Council wants to help local families, like you mentioned, get homes, but we want to make sure like you said also, that they follow the Fire Department needs because it affects insurance and whatnot. It is all about trying to make this Bill as best as we can, because once we pass it, we do not want to regret it—oh, we should have done this or that, because then you will

need to go through the process all over again. We want to keep hearing from the public, especially those who have a stake involved and have concerns. We need to hear it by the Committee Meeting so we can make those adjustments or amendments at the Committee. When it is done at Committee, then it will probably pass the way it is at Committee. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just want to echo Vice Chair Kagawa's comments and say *mahalo* to the Planning Department and Planning Commission. I think this is a very important Bill and long overdue. I hope we can move it through quickly.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I second all that. I am still trying to wrap my head around all that. There are so many moving parts here, but I really appreciate it. I never would have thought driveways was a limiting factor for so many people. We have been hearing that for months. Where is that Bill? A lot of people are affected by this and I appreciate the Planning Department, the Fire Department, and the Department of Public Works being proactive in trying to untangle some of the things that are stopping people from building. I know that these are not simple things to untangle, because you try to solve one thing and you create other problems. I appreciate what we have here and as Councilmember Kagawa said, it is important to hear from people because there are so many unique situations and we need to make sure we are doing the right things here. For the most part, thank you, everyone.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Well, I am pretty happy with it. When I am looking at it, what really always matters to me is that we are allowing more people to have safe housing at a price that they can afford. I know that there have been a number of stranded properties over the years. It sounds like this is going to relieve that. I am thankful for that and I am wanting to pay good attention to the fire elements, too. When I glance at it, we will look at that and ask, but it seems that much of that is making it simpler, not harder. That is the goal—to be able to help people be able to afford a home and live on their property. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion for approval for passage of Proposed Draft Bill (No. 2768) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 5, 2020, and referred to the Planning Committee.

| | | |
|-----------------------|------------------------------|-------------|
| FOR PASSAGE: | Brun, Chock, Cowden, Evslin, | |
| | Kagawa, Kualii, Kaneshiro | TOTAL – 7*, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

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

Proposed Draft Bill (No. 2769) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2769) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 5, 2020, and referred to the Public Safety & Human Services Committee, seconded by Councilmember Chock.

Council Chair Kaneshiro: I will suspend the rules and will have Fire come up and give a brief description of this Bill. I am sure there are a lot of questions for you after hearing the last Bill.

There being no objections, the rules were suspended.

DARYL DATE, Fire Prevention Captain: Good morning, Councilmembers. Daryl Date, Fire Prevention Captain. The reason we are here today is to propose amendments to the current existing Fire Code to help relieve the restrictiveness that this Fire Code puts upon businesses and homeowners. One of the amendments we are asking is to reduce the width of a fire access road. In the Fire Code, a fire access road is twenty (20) feet wide. What we are asking for, for one- or two-family dwellings is a sixteen (16) foot clear with a twelve (12) foot drivable surface. The surface does not need to be asphalt or concrete, but any sort of material that can withhold the weight of a fire engine in rainy conditions, basically, all-weather surface. Another amendment we are proposing is being able to get close enough to the dwelling. In the Fire Code, it states, "If the most accessible door to the structure is more than fifty (50) feet from a fire access road, the dwelling needs to have a sprinkler system in it." We are proposing to increase this distance to three hundred (300) feet. If you look at the diagram that is up there, the home on the top is three hundred fifty (350) feet from a fire access roadway. A house of that nature would need a sprinkler system. The other two (2) homes do not. Another amendment is about turnarounds, if your fire access roadway is greater than three hundred (300) feet, a means of turning around should be provided. In my amendment, I wrote it within three hundred fifty (350) feet of the structure, but that is not always the case, because the fire access roadway may not lead to someone's home as in this depiction of this diagram. I am proposing to change the language to the end of the fire access road. I believe that will clear up Jeremy Harris' question and concern. Also, in the diagram you see an example of a pullout. The main reason for the pullout is just in case there is a need for vehicles to pass each other. It will give an area where there is a lot more clearing to do it safely. This diagram is just one example of many different scenarios that the topography of Kaua'i will present. Hopefully this diagram will paint a better picture for people to understand what we are asking for.

Council Chair Kaneshiro: Anything else?

Mr. Date: In my proposal there is also an amendment where it states, "for one- and two-family dwellings, when a water supply to be used for firefighting acceptable to the Authority Having Jurisdiction (AHJ) is farther than six hundred (600) feet to the structure, an automatic sprinkler system shall be installed." After having many discussions with the Fire Chief, the Battalion Chief, and operations we were willing to change that "shall" to "may," because our greater concern is being able to get to the home. Our fire engines do carry a water tank what a limited supply of water on our fire engine that may be able to provide rescue attempts in case someone was trapped in a building. It will probably not be enough to extinguish the fire and save the building, but the main focus of the Fire Department is life safety than property protection. Are there any questions?

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a really simple one. In your drawing, where is the closest fire hydrant? Is it on the black street with the dotted line or is it on the blue line? Where is the fire hydrant?

Mr. Date: I am not depicting a fire hydrant.

Councilmember Cowden: The reason I am wondering is, say that driveway is one thousand (1,000) feet or one thousand eight hundred (1,800) feet, because those are real examples.

Mr. Date: Yes.

Councilmember Cowden: If the fire hydrant is on this black line and you are all the way back, then they would have to have a sprinkler system, correct?

Mr. Date: Possibly. That is where I am going to change the "shall" to "may." It all depends on the scenario and layout of the development.

Councilmember Cowden: It sounds like there is flexibility on this.

Mr. Date: As far as providing a fire hydrant, yes.

Councilmember Cowden: I am not saying they have to have a fire hydrant. I went to one of these conferences and they were talking about the Federal Emergency Management Agency (FEMA) and insurance moneys, and the government and insurance companies are running out of moneys, because we have a lot of housing burn up and float away. So it is getting harder to get insurance. Does any of that feed this Bill amendment at all? Are we thinking in any way about...is there any national standards? When we have AHJ, who is that and what influences it? Does any of it influence property insurance?

Mr. Date: The term AHJ are the people who are responsible for those particular concerns. So with this one, AHJ would be the Fire

Department, the Fire Chief is the designee. To elaborate a little bit more about your question...

Councilmember Cowden: It might really just affect whether people can get a loan, right? You can get insurance maybe you cannot get a loan, but you could still get a building permit.

Mr. Date: Yes, your insurance premiums is dictated by how far away the nearest fire station is and how far away the closest fire hydrant is. So those people who build far from these areas, their insurance is a lot higher. Okay. What I have learned is if people do put sprinklers in their home, the insurance companies will reduce their premiums by five percent (5%) to ten percent (10%). There also is that bill created by Mayor Kawakami when he was in Council for the Real Property Tax exemption of forty thousand dollars (\$40,000), if you put a sprinkler in your home. Those are two (2) incentives for people to consider.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Is there anyone else with questions?
Councilmember Kagawa.

Councilmember Kagawa: For me, with the code updates, we had the Energy Code before us, we had the Plumbing Code, the Electrical Code—all these unions, when they do not like something, who do you think they call? Because they know if I see the local people not being looked after with these changes, then they know I will speak up. I have been getting calls on this issue about the fire sprinkler. The reason why they are saying is, if these folks are rich—some may be rich in here—they can put it, why not?

(Councilmember Brun was noted as present.)

But for the local families that struggle, a lot of them are moving away to the mainland—my relatives, friends, kids, all do not come back. We keep imposing higher, more expensive things, how are they going to live here. I hear what you are saying “incentives,” but when you are building the house and add to the loan—they either qualify or not. So, I like “may” rather than “shall” because of that reason. I hope you can see where I am coming from. Again, I will let the people who have been calling me, Contractors Association, General Contractors Association—those that have brought concerns, I will make sure they see the changes and I hope they can call you folks on the changes, because when they hear the answers from us it is secondhand, but if they call you folks maybe they can figure out if they can take the aggressive stance to oppose it or they will see that this is necessary to follow. I hope we can agree that will be a good process.

Mr. Date: Yes, please refer them to call us.

Councilmember Kagawa: The other question I had was on the turnaround area.

Mr. Date: Yes.

Councilmember Kagawa: If I look at the picture, that turnaround area is the stripped place, is that what we talked about?

Mr. Date: No. That is a pullout.

Councilmember Kagawa: Okay.

Mr. Date: A turnaround would be something like a hammer head.

Councilmember Kagawa: The pullout is so you can make the turn.

Mr. Date: No. The pullout is so vehicles can pass each other if it gets too tight.

Councilmember Kagawa: Okay.

Mr. Date: So you can have a two-way pullout.

Councilmember Kagawa: Where is the turnaround on that picture?

Mr. Date: On this one, I did not put it because there are different types of turnarounds that are available. It is just somewhere where the fire engine can turnaround so they do not have to reverse great distances.

Councilmember Kagawa: Okay, in this one like the one hundred fifty (150), the fire engine could drive in the driveway and do a three-point turn and come out, yes?

SOLOMON KANOHO, Assistant Chief: For the record, Solomon Kanoho. I am assigned as temporary assignment as the Assistant Chief for the Kaua'i Fire Department. Yes, correct, on that picture you actually would have three (3) turnaround places in that picture for the apparatus to turnaround—at each of those driveways.

Councilmember Kagawa: Each of those driveways?

Mr. Kanoho: For instance, if the apparatus was at that second house there, they could pull forward, reverse back into the driveway, and then come down and back out onto the main roadway.

Councilmember Kagawa: That situation Jeremy Harris is talking about is...it was him or Dennis Esaki that were talking about it. I cannot see that picture of where they are talking about. Why not make it three hundred (300) feet? Do you have a picture that can show what they are talking about?

RUSSELL VIERRA, Fire Fighter III: Russell Vierra, Fire Fighter III. I am an operator at Kalāheo Fire Station and we run into a lot of...that is the most hardest district on Kaua'i, I would think to be, personally, an apparatus operator. I believe what Mr. Esaki was going funneled on a roadway where the bridge itself was less than sixteen (16) feet, but the bridge itself is only twenty (20) feet long. So we can possibly wait for the other engine to pull through and allow access. There are places like where Mr. Harris was talking about where the road—just because of the way it was built back then—there are no turnarounds. That is where AHJ would have to work with us. He may make a turnaround inside or sprinkler the house, if it comes to a point where we will have a hard time to access.

Councilmember Kagawa: Or they could create a turnaround area where you do not need a house, maybe halfway?

Mr. Vierra: Yes.

Mr. Kanoho: Correct. Just a space where the apparatus could reverse and come out. I have also worked in Kalāheo for approximately nine (9) years. There are sixteen (16) homes that are in difficult areas for us to respond. Of that, there are at least eight (8) houses that are three thousand (3,000) feet from the closest fire hydrant. That is going to require multiple engines to use what is called a relay operation. From that, there were at least four (4) or six (6) homes where our main engine—I am sure everyone seen the big fire truck, that is our type one (1) pumper that we use—that engine could not even reach some of those properties or homes. We would be forced to use our smaller brush truck, which was never designed for structural firefighting.

Councilmember Kagawa: The second to the last question I have, the rock. The one I am picturing, I have seen some really nice rock, solid and big.

Mr. Kanoho: Yes, he also showed us the photo, as well.

Councilmember Kagawa: I keep thinking in my mind where some folks put rock and it just runs away and is muddy. It would be like you are driving on a mud road, which you do not want to have if it is long.

Mr. Date: Yes. In those instances when people are considering what type of material to use, they can come to us, submit their proposal, and we can review it, either approve it or give recommendations of what they should do.

Councilmember Kagawa: It is flexible.

Mr. Date: Yes.

Mr. Kanoho: Yes, very flexible. We rely on the Planning Department for guidance on that, because we are not experts as far as road construction is concerned.

Councilmember Kagawa: Basically, if they have a plan that is an alternative to concrete, as long as they do a good job in the eyes of whoever is approving it, then it is okay?

Mr. Kanoho: Yes, there is flexibility for that.

Councilmember Kagawa: Thank you for that.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I have a number of questions, but a quick follow-up on the Jeremy Harris question. My understanding of what he was saying was that Section 18.2.3.2.1, says that house can be a one- or two-family house can be three hundred (300) feet from the fire access road, but on the next page it says, if a driveway is longer than three hundred (300) feet, need to have a turnaround within one hundred fifty (150) feet of the structure.

Mr. Date: Not the driveway, the fire access road. If the fire access road is longer than three hundred (300) feet.

Councilmember Evslin: Yes, sorry. Then there needs to have a turnaround within one hundred fifty (150) feet of the structure. I think your amendment fixes that, right?

Mr. Date: Yes. Not to the structures, but to the end of the fire access road.

Councilmember Evslin: That is perfect. Okay. I have some other questions. A big picture question, do you folks currently do a plan review for every permit that comes through?

Mr. Date: No, we do not.

Councilmember Evslin: This is a big shift, right?

Mr. Date: Yes.

Councilmember Evslin: Is this every plan that is off of a shared driveway now will come to you folks for approval?

Mr. Date: The Engineering Division and the Planning Department have agreed when they review these building permits that come through, if they see any red flags, they will refer to the Fire Department. So we will not have to look at every single family home building permit.

Councilmember Evslin: Okay, that is good to know. As far as manpower expectations...

Mr. Date: No increase.

Councilmember Evslin: Okay.

Mr. Date: For that reason.

Councilmember Evslin: Timeliness of the review, it will not hold up building permits, hopefully.

Mr. Date: No.

Councilmember Evslin: You mentioned a couple of—what I understand, are proposed amendments with the anticipation that you folks will get that to us at Committee Meeting, which you will propose amendments and someone will introduce them at Committee Meeting. You mentioned the “shall.”

Mr. Date: Yes, those little changes will be made and resubmitted.

Councilmember Evslin: Okay, at Committee Meeting. The flag lot issue that Dennis Esaki mentioned. If there is a flag lot that is under fifteen (15) feet of clearance, what happens?

Mr. Date: If the pole of the flag lot does not have a sixteen (16) foot clear, if the home is farther than three hundred (300) feet from the fire access road, then it would require a sprinkler in the home.

Councilmember Evslin: Okay.

Council Chair Kaneshiro: “May” require or...

Mr. Date: Well, that one is “shall.”

Councilmember Evslin: What happens on a flag lot, if you a house that is more than six hundred (600) feet, then you cannot at all, not even with a sprinkler?

Mr. Date: If your home is farther than six hundred (600) feet from the fire access road, you would have to make the sixteen (16) foot clear up to six hundred (600) feet of the home. Say in this diagram, the home on the top, rather than three hundred fifty (350) feet was six hundred fifty (650) feet, then the fire access road would have to continue fifty (50) feet into their private driveway.

Councilmember Evslin: This is maybe getting too deep into the means, but maybe this is a Ka‘āina question for Committee, it could be a red flag on lots that are further than six hundred (600) feet, where on a flag lot where it is going to be almost impossible to extend that, but I think we can get to it later, unless you have an answer right now.

Mr. Hull: The fact of the matter for those flag lots, it is part of the Code right now that they have to put in a county standard roadway. Now

those poles were created with not enough width for it, but I cannot legally sign a permit right now without the county standard roadway. To be clear, what Daryl folks are doing here—just to put in a big picture—is they had is—I do not want to say it is easy for them, but what we require for these county standard roadways they did not have to do because county standard roadways are going to meet their requirements to get their trucks there. We are saying, we are wiping the county standard roadway requirements out. A big thanks to them, they started looking at how they can adjust to shrink their standards so they can get their trucks on without the county standard roadway. That is the big picture. It reduces the cost significantly, but when we are talking, should this amendment pass with those ten (10) foot wide poles, if they cannot secure the easement, I will be honest and this really is a question for the Office of the County Attorney and whether or not those situations need to be litigatingly solved.

Councilmember Evslin: Need to be resolved how?

Mr. Hull: Via litigation.

Councilmember Evslin: Okay. Do you know if this is a common situation?

Mr. Hull: It is a handful.

Councilmember Evslin: Last question, just so I understand the math correct. Right now, you show that three hundred fifty (350) feet needs a sprinkler. Basically, for that three hundred fifty (350) foot one, anything between three hundred (300) and six hundred (600) feet would need the sprinkler and anything over six hundred (600) feet cannot, right? Anything under three hundred (300) feet would need the sprinkler. Is that right? For the very top one, if the top one was at two hundred fifty (250) feet.

Mr. Date: Does not need a sprinkler.

Councilmember Evslin: If the top one is at three hundred one (301) feet you would need a sprinkler.

Mr. Date: Yes.

Councilmember Evslin: Okay. I am making sure I understand.

Mr. Date: Any home that is farther than three hundred (300) feet from a fire access road will require a sprinkler.

Councilmember Evslin: Okay, perfect. Thank you folks very much.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Daryl, I am curious in other jurisdictions if you have seen the use of other external water sources in these really rural areas as

alternatives—I know water catchment or there are many places we need to go where we have to access the reservoir. I am curious, are those options part of solutions we have looked at or continue to look at in making this determination of what is best for that?

Mr. Date: I have looked at that and, yes, there are many different alternatives for water supply, such as cisterns, reservoirs, and ponds besides a fire hydrant. That is where the water supply amendment is taking affect to change from “shall” to “may.” This amendment, as far as the distance from the access roadway, that is more for access not because there is no water or there is water available. It is just so our fire trucks can get close to the home.

Councilmember Chock: Could it be either or as it relates to sprinkler system in the long run?

Mr. Date: I would have to take a look at that, because they may have a hydrant at their house, but if they have a ten (10) foot muddy driveway that is a quarter mile deep, it will not do us any good.

Councilmember Chock: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the members? Councilmember Kagawa.

Councilmember Kagawa: How long is the big fire truck?

Mr. Vierra: The fire engine is about one hundred (100) inches wide—mirror to mirror. That is why we are keeping the twelve (12) foot surface.

Mr. Kanoho: One hundred (100) inches is about eight (8) feet.

Mr. Vierra: About eight (8) feet.

Councilmember Kagawa: About eight (8) feet wide. This turnaround area driveway would need to be how much feet?

Mr. Vierra: The length of the engine is thirty (30) feet. Thirty-four (34) feet is the average that we have now. Some ladders are longer and Hanalei’s is shorter.

Councilmember Kagawa: Thirty-four (34) feet and eight (8) feet wide, about. Thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you.

Mr. Date: I just want to add one more thing. As far as the turnarounds on the diagram I showed, it would be possible solutions for turnaround, but not necessarily guaranteed. It all depends on the width of the personal driveways that they may use to reverse into. Again, with those proposals, the clients can come in and discuss if it is acceptable to us on any sort of means as they may propose as a turnaround. We can take a look at that and make a decision.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: When you look at your diagram, the road going to the driveway is sixteen (16) feet clear and twelve (12) feet drivable. So if the driveways were that, then obviously, it is okay.

Mr. Date: Yes, if the sixteen (16) foot is clear all the way to the person's house, they are good.

Councilmember Kuali'i: If their driveway matched the road outside the driveway.

Mr. Date: Yes.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: One last question, if you see the plans and approve them, what do you have against the owner if you do not follow properly? What means do you have for them to correct? Do you have a fine in place? What can you folks do to make sure they follow it? The rules should not be made to be broken, right?

Mr. Date: Yes.

Councilmember Kagawa: If you have a rule in place you need this done in order to respond properly.

Mr. Date: It is maintained.

Councilmember Kagawa: A lot of times for the County's side, we lack on the follow through.

Mr. Date: Yes.

Councilmember Kagawa: After they build, they do not build to what they say they are going to build. What remedy do we have?

Mr. Hull: Under the Fire Code...you can correct me, jump in if you can...under the Zoning Code, the drivable surface is part of the Zoning Permit, as well. If it is not constructed as represented, it is a violation of the Zoning Permit.

Councilmember Kagawa: There are fines.

Mr. Hull: The department is not in the business of going out and fining people.

Councilmember Kagawa: Fining people?

Mr. Hull: To correct them. We issue a notice that they are in violation. It is brought to their attention to bring it into compliance. If they do not, then we look at potential fines on them to compel them to put that into conformance with what was presented on the zoning application.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Just a follow-up while you are there and on that subject. Fire is not actually signing off on these. It is you folks looking at it making sure it complies with the Fire Code. If there is a red flag then you send it to them, but if it does not conform, you would reject it at the Zoning Permit process; is that right?

Mr. Hull: Fire will ultimately sign-off on the ones that...Engineering will flag when there is no county standard roadway and there is a common driveway that is going to need to meet fire access. Those ones will be referred over to the Fire Department to sign-off on—and only those ones. They are not reviewing every single building permit. Those will be reviewed by the Fire Department. What I was just getting at was that, Fire, from what I am aware of has a fine structure set in and a penalty clause that I am not aware of one in the due process. The Planning Department does, is all I am saying. We have that process in place and we utilize it. It has to be constructed as represented. If there is a violation of that representation, then the Planning Department has the authority to correct it.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone in the audience wishing to testify on this item?

ANNY BRUCH: Anny Bruch and I am testifying here not only as a small beginning farmer, but also I am the President of the Kaua'i Chapter of the Hawai'i Farmers Union. I really appreciate the discussion that we have had today. I have learned quite a bit. I appreciate the changes that are being made. I am looking forward to being part of the meetings that are coming up and looking at some of the concerns that I have. A lot of our members are small farmers. They have flag lots—a lot of the ones I am thinking about. They will be hoping to build homes on those. I am concerned like you are, sir, about the added expenses. I am hoping some of the water catchments or ponds are some of those things are going to be able to replace, maybe some of the sprinklers. Some of the options and thoughts on these changes, keep in mind the needs of small farmers. A lot of their homes are not close

to the road, so often times you are going to be talking about, not six hundred (600) feet, but one thousand (1,000) feet off. I look forward to establishing those conversations and keeping in mind that population that is trying to make a living in farming, producing our foods, but also be able to build homes they can afford. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify on this item?

JACK PHILLIPS: Jack Phillips. I am a property owner on Kaua'i. I am very pleased this issue is being settled. I have been waiting for it for the last eighteen (18) months. I have been sitting here listening and have two (2) comments. One is sprinklers tend to be expensive, because in Hawai'i, the only person that can put them in is a licensed sprinkler contractor. If the Kaua'i County Council decided that on Kaua'i any licensed plumber could do the work, which has been designed by a sprinkler designer, you would find the price drop very quickly. I highly recommend that. Secondly, I am pleased that the Fire Department has now given some discretion, but I see that there is no incentive for a home builder to build in a fire resistive manner. This is subject which is documented by many cities if you listed various features—one-hour fire, two-hour fire on the outside, five-eighth (5/8) inch sheetrock throughout the house, any skylight should be tempered glass, et cetera. I list twelve (12) criteria, which are recognized to be fire resistive to a homeowner, if your design incorporates two (2), four (4), or six (6) of these features, then the Fire Department will give you some leniency. Have them some discretion, but motivate the homeowner to think about fire resistive construction when they are designing it, rather than how to put the fire out. Sprinklers are proven to prevent people dying, but they do not prevent the house from finally burning down. It gives people time to get out. The short, I think can create some incentive when people do build to think about designing and it is not hard to quickly come up with various criteria to recognize as less likely to burn down. Thank you.

Council Chair Kaneshiro: Thank you for that. Is there anyone else wishing to testify? Does anyone want to testify for a second time?

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

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

Councilmember Evslin: I want to thank the Fire Department for their work on this. What it sounds actually pretty quick work for the last few months to try and make something that works here. I read all the time about Fire Code in other places being inflexible and leading to really wide streets, big turn radiuses, sort of degrading urban form because this strict interpretation of Fire Code. I think here is an example of our own Fire Department being willing to try and look...obviously, you do not want to go too far, because you want to make sure a place is safe and has access for a fire truck, but really being willing to stretch those rules in order to ensure people can build homes for them on Kaua'i. That is huge and I really appreciate your work

here. I am excited to get it to Committee Meeting on this Bill and ultimately see it pass in some form.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I, too, want to echo his comments and say my *mahalo* to the Fire Department. Like the other Bill, I think this one is really important and long overdue. I love that it is going to help with housing. *Mahalo*.

Council Chair Kaneshiro: Is there anyone else? Councilmember Chock.

Councilmember Chock: Thank you to the departments for moving this forward. I know it has been a long time coming. We have been working hard at it. It sounds like in both committees, they are going to be some amendments being introduced and my only encouragement is that we start that process early. We know how amendments can transition over time, but if we work with our departments for their clarity, we will be able to move this through fairly quickly. Thank you.

Council Chair Kaneshiro: Thank you. With that, roll call vote.

The motion for approval for passage of Proposed Draft Bill (No. 2769) on first reading, that it be ordered to print, that a public hearing there on be scheduled for February 5, 2020, and referred to the Public Safety & Human Services Committee.

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|-----------------------|---|------------|
| FOR PASSAGE: | Brun, Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro | TOTAL – 7, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

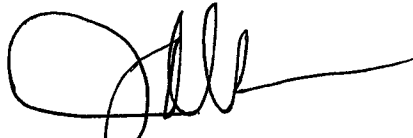
Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Kaneshiro: That concludes the business on our agenda. We do have a public hearing at 1:30 p.m. Not seeing or hearing any objections, this meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:27 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk