

COUNCIL MEETING

FEBRUARY 19, 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, Līhu'e, Kaua'i, on Wednesday, February 19, 2020 at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun (*present at 8:34 a.m.*)
Honorable Mason K. Chock
Honorable Felicia Cowden
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 Chock.

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

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 6:0:1 (*Councilmember Brun was excused*).

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

MINUTES of the following meetings of the Council:

January 16, 2020 Council Meeting
February 5, 2020 Public Hearing re: Bill No. 2768 and Bill No. 2769

Councilmember Kuali'i moved to approve the Minutes as circulated, seconded by Councilmember Chock.

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 6:0:1 (*Councilmember Brun was excused*).

Council Chair Kaneshiro: The motion is carried. Next up, we have interviews.

INTERVIEWS:

BOARD OF WATER SUPPLY:

- Gregory A. Kamm – Term ending 12/31/2022

ELLEN CHING, Boards & Commissions Administrator: Good morning, Ellen Ching, Boards & Commissions Administrator. I am happy to introduce to you this morning, Gregory Kamm. Greg earned a Bachelor's Degree from The University of California, Berkeley, and a Master's Degree from the University of Hawai'i at Mānoa. After working for the County's Planning Department for five (5) years, for the past thirty-six (36) years, he has owned and operated a consultant firm where he worked on many projects across the island. Along the way, Greg has actually built water systems. One of his larger projects included the construction of a full system for potable and non-potable water that involved building a tank in 'Ōma'o and installing a pipeline from 'Ōma'o to Po'ipū through hard rock. When he is not snorkeling, paddle boarding, hiking, or working out at the gym, he enjoys eating and drinking a lot. He likes a variety of food from pizza, sushi, musubi with ume, and lamb chops rank high on his favorite food list. Greg has now formally retired. The only time he has served on a Board or Commission was in 1984 where he served on the Charter Commission. With his incredible amount of experience and knowledge, I am grateful that he is willing to lend his energy and technical expertise to the Board of Water at this critical time.

(*Councilmember Brun was noted as present.*)

Council Chair Kaneshiro: Greg, do you have anything that you want to say?

GREGORY A. KAMM: No, but I am happy to answer any questions.

Council Chair Kaneshiro: Any questions from the members?
Councilmember Kagawa.

Councilmember Kagawa: Thank you, Greg. Kaua'i is a small island. There are times that we bump into the Department of Water employees and we chat. It seems that the Department of Water is at an all-time low, morale and the workwise level. They recently questioned a rate increase when they have millions of dollars sitting in an account that they did not disclose to the public. There is a lot of mistrust and concern regarding the Department of Water and what is going on there. Have you heard about those issues and what is your plan going in as a board member?

Mr. Kamm: I do not have a firm plan. I have heard about all of the issues and I believe that the job of a board member is to straighten these issues out. I am surprised that amount of money was not disclosed. I am aware of the morale problem, the change in staff, and I would like to get it cleaned up and straightened out.

Councilmember Kagawa: Good answer. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I would also like to say that I am really pleased that you are joining the board. Your history, knowledge, and experience is going to be very useful. I go to the Board of Water meetings regularly. They have a lot of staffing issues right now. It really needs the support of a very strong board member. I am happy to see that there is going to be a rate increase study and they are looking at their Facilities Reserve Charge (FRC). Since it is separated from the County, I am concerned that we do not have enough accountability towards the entire costs in which the County incurs. I have a question similar to Councilmember Kagawa's question regarding if you have been watching what has been going on at the Department of Water.

Mr. Kamm: I have been watching and I share your concern. I do not have an answer. I do not know the specifics of the rate increase or the FRC. However, it is certainly something that I would like to address.

Councilmember Cowden: There are a lot of very expensive projects up. I appreciate your willingness to serve.

Mr. Kamm: Thank you.

Council Chair Kaneshiro: Anyone else have any questions? If not, I would like to say thank you for your willingness to serve at this time. One of your toughest duties will be to try and find a manager and a deputy manager. Unfortunately the duties start to fall on the board who have a lot of responsibility, but I do not think that a volunteer board should be running the Department of Water. It would be good if you had any connections or knew anyone that you are able to find that would be great to manage that department. I give you credit for stepping in at a time like this. There is a lot of people that would most likely say, "Wait until they

have a manager or deputy manager, then I would step in on the board.” The board has a lot of responsibility now, everyone is taking it seriously, and I appreciate the fact that we have a good board. Thank you for not backing out and still wanting to be there.

Mr. Kamm: You are welcome.

Council Chair Kaneshiro: With that, thank you. Next up, we have Laurie Yoshida.

SALARY COMMISSION:

- Laurie L. K. Yoshida – Term ending 12/31/2022

Ms. Ching: Laurie Yoshida followed her heart to Kaua'i in 1994, and the rest is history. She has worked in the nonprofit sector as the President of the Kaua'i Chamber of Commerce, in the public sector as the Governor's Liaison, and she also formed her own consulting business. She is the proud parent of Kaua'i High Schools' Red Raider, Chris, who recently got married; and Brittany, who graduated magna cum laude from the University of Las Vegas in three and a half (3.5) years. In 2018, Laurie was elected President of the Kaua'i Filipino Chamber of Commerce, the first “non-Filipino” to hold that office. She is used to thinking and acting outside of the box. Therefore, it is no wonder that she has been selected as an honoree for the Pacific Business News as 2020's “Women Who Mean Business.” On top of everything, Laurie works out five (5) times a week so she is able to indulge in her guilty pleasure, desserts. With her wealth of experience, Laurie is an ideal candidate for the Salary Commission. I am thankful for her willingness to serve, and we look forward to her fresh ideas and new approaches.

Council Chair Kaneshiro: Thank you. Laurie, do you have anything to add?

LAURIE L. K. YOSHIDA: Thank you to the Administration for the appointment, and thank you to the Council for the opportunity.

Council Chair Kaneshiro: Any questions from Councilmembers? Councilmember Cowden.

Councilmember Cowden: I want to thank you. You really have a wealth of skills and exposure. We have two (2) excellent candidates today. I appreciate how much you have...you have quite a bit of exposure to state government as well, correct?

Ms. Yoshida: Yes.

Councilmember Cowden: You are strong in the private sector, State, and County. You have been following along and seeing the challenge we are having in getting department heads. Thank you.

Ms. Yoshida: Thank you.

Council Chair Kaneshiro: Anyone else? If not, yes, thank you again for volunteering, Laurie. Thank you, Ellen. Next up, is the Consent Calendar.

CONSENT CALENDAR:

C 2020-50 Communication (01/27/2020) from the Director of Finance, transmitting for Council information, the Period 4 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of October 31, 2019, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2019-2020: Councilmember Kualiʻi moved to receive C 2020-50 for the record, seconded by Councilmember Chock.

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 Kualiʻi.

Councilmember Kualiʻi: I would like to note that I will be submitting a few questions.

Council Chair Kaneshiro: Okay. With that, the motion on the floor is to receive.

The motion to receive C 2020-50 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

COMMUNICATIONS:

C 2020-51 Communication (01/23/2020) from the Housing Director, requesting Council approval to receive and expend Fiscal Year 2019 HOME Investment Partnership Program (HOME) Community Housing Development Organization (CHDO) funds in the amount of \$450,860.00 and to indemnify the Hawaiʻi Housing Finance and Development Corporation, for the Waimea Huakai Self-Help Subdivision project: Councilmember Chock moved to approve C 2020-51, seconded by Councilmember Kualiʻi.

Council Chair Kaneshiro: Any questions from the members on this item? 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. Any final discussion from the members? Councilmember Cowden.

Councilmember Cowden: Again, just acknowledging the effort that is being made to bring funding forward. I appreciate the four hundred fifty thousand dollars (\$450,000), which is basically to help the west side Kaua'i Habitat for Humanity. I would like the viewers to know what we are approving and I am thankful for it.

Council Chair Kaneshiro: Anyone else? If not, motion on the floor is to approve.

The motion to approve C 2020-51 was then put, and unanimously carried.

C 2020-52 Communication (01/27/2020) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Community Foundation, in the amount of \$11,000.00, to increase efforts to get a complete count of Kaua'i residents for Census 2020 with a focus on the Filipino and Hawaiian populations who traditionally have been heavily undercounted: Councilmember Kualii moved to approve C 2020-52, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any questions from the Council on this item? If not, 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: Any final discussion from the members? If not, the motion on the floor is approve.

The motion to approve C 2020-52 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-53 Communication (01/30/2020) from the Housing Director, requesting Council approval to receive and expend \$1,425,000.00 in National Housing Trust Fund (HTF) funds and to indemnify the Hawai'i Housing Finance and Development Corporation, for the Pua Loke Affordable Housing Project: Councilmember Chock moved to approve C 2020-53, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Any questions on this from the members? If not, 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. Any final discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: Can we go back? I have a few questions.

Council Chair Kaneshiro: Adam. Councilmember Kagawa, you have the floor.

Councilmember Kagawa: In a nutshell, are you able to explain...is this in the Pua Loke subdivision?

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director: Adam Roversi, Housing Director. Chair and Councilmembers, it is next to the Department of Water building...it is the parking lot strip behind Kukui Grove Cinema.

Councilmember Kagawa: In a nutshell, what is the plan?

Mr. Roversi: We are building fifty-four (54) units of Additional Rental Unit (ARU) housing.

Councilmember Kagawa: Fifty-four (54) units with whose money?

Mr. Roversi: It is a combination of several sources of funds. It is part of the Housing Trust Fund (HTF) of one million four hundred thousand dollars (\$1,400,000). Additional funding from the HOME Investment Partnership (HOME) program, which is another Federal grant program. A small amount of money from the County Housing Development Fund. The largest block of funding for the project is in the form of Low-Income Housing Tax Credit (LIHTC), which is Federal tax credit funds. We are developing this on County land in partnership with the Ahe Group, who has developed several projects on Kaua'i.

Councilmember Kagawa: What group was that?

Mr. Roversi: Ahe Group. They are also building the rental housing project in Waimea, in partnership with the Kaua'i Habitat for Humanity. We provided some funding for that, but that is on the Kaua'i Habitat for Humanity's property in Waimea.

Councilmember Kagawa: Of the fifty-four (54) units, what is the total cost to the County?

Mr. Roversi: I believe we put five hundred thousand dollars (\$500,000) in the form of a grant from our 512 Housing Development Fund. The grant and the use of the land is the only cost to the County.

Councilmember Kagawa: So the strip of land was ours to begin with?

Mr. Roversi: Correct.

Councilmember Kagawa: Did we get that from the Department of Water?

Mr. Roversi: I believe it was a very long time ago where it was executive ordered to the County from the State. It has been in the County's asset book for quite a while. It is not something recent.

Councilmember Kagawa: Fifty-four (54) units that will be five hundred thousand dollars (\$500,000).

Mr. Roversi: Correct.

Councilmember Kagawa: We already had the land.

Mr. Roversi: Correct.

Councilmember Kagawa: The rest is from grants?

Mr. Roversi: Federal program funding with a ballpark of three million dollars (\$3,000,000) and the remaining bulk from Federal tax credit funding.

Councilmember Kagawa: Are we able to do this another four thousand (4,000) more times; that would solve our affordable housing problem.

Mr. Roversi: One of the dilemmas in that is that the Federal money that we are relying on to be able to build these, we only get it every three (3) years...we only have one chance every three (3) years.

Councilmember Kagawa: One chance every three (3) years, let us make sure that we take that chance.

Mr. Roversi: Yes, we do.

Councilmember Kagawa: If so, we will only have three thousand nine hundred ninety-nine (3,999) more times to do it and it will solve our problems. Thank you.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: Adam, that piece that you are talking about it is the paved piece in the back.

Mr. Roversi: Yes.

Councilmember Brun: Did we do a study on that? I know that the County was using that as a parking lot for the refuse trucks for a long time.

Mr. Roversi: There was an environmental assessment done in the early stages of this project. I do not have all of that details in front of me. However, the study essentially revealed there was no environmental issues on the property.

Councilmember Brun: Okay, thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Mr. Chair. Adam, first of all, thank you for moving this forward. There was a discussion on the need for parking there. I am curious, are we following the standard parking requirements or has it any way been modified?

Mr. Roversi: I would have to get back to you on an exact answer to that question. I know the plan as it stands was approved by the Planning Commission under their current rules for density of parking.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Ahe Group is also the Kolopua apartments in Princeville—is that correct, did they do the same?

Mr. Roversi: Yes, I believe so.

Councilmember Cowden: When we are looking at the fifty-four (54) units, I remember when you did the presentation, it was at the same time when we looked at the twenty-two (22) units across the street.

Mr. Roversi: Across the street...

Councilmember Cowden: Which is going to be...I will call that "high-need", or people who are most likely moving from houseless into housing with therapeutic care for the two and one half (2.5) years. This piece, the fifty-four (54) units, am I remembering correctly that this is also targeting the high-need community as well, or is that going to everyone? Is this a little different than affordable housing?

Mr. Roversi: It is primarily serving people who are making sixty percent (60%) of the Area Median Income (AMI) and below.

Councilmember Cowden: Okay.

Mr. Roversi: That requirement is imposed because of our use of the Federal funds. When we use those HOME funds and the HTF funds, that is an income limit imposed on us by the Federal government.

Councilmember Cowden: When is this going to break ground, will it be in about a year?

Mr. Roversi: We are hoping to have break ground in next three (3) months.

Councilmember Cowden: If people want to get their name on the list being that it is sixty percent (60%) and below, how do they get their name in on the list? When do people apply?

Mr. Roversi: The Ahe Group will actually own the buildings on the land, they will operate it, and rent it through a management company. I do not think that has been selected, yet. At some point during the construction process, there will be an announcement of the management company that is going to run the project and the availability of applications. At this time, there is not a system in place to apply for that specific project.

Councilmember Cowden: The reason why I am asking about that is—if I am correct, when there are times that we have Federal money, people can apply from the continental United States, and be in line? Is that correct? If we have the line start early, it is more likely that the people who would be chosen for it are existing residents? Is there anything happening that helps to target existing residents as opposed to any and all American citizens?

Mr. Roversi: It is to my understanding that we are not able to exclude people from other areas, because of our sources of funding and the Constitution. However, it is also to my understanding that it is a practical matter for most of our housing projects when they become available, the vast majority of the people who are applying for them are in fact local residents. This is because they simply have the knowledge that the project is being developed, they have seen it being built for a year, and they read about it in the local paper, whereas a random individual from Ohio would not necessarily have the knowledge that there is even an opportunity to apply for a spot on the development.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Any further questions from the members? If not, thank you. Thank you, Adam.

The meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Any final discussion from the members? If not, the motion on the floor is to approve.

The motion to approve C 2020-53 was then put, and unanimously carried.

C 2020-54 Communication (01/31/2020) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Section 8-4.3(a), Kaua'i County Code 1987, as amended, relating to Residential Development Standards For Residential Structures Not Involving The Subdivision Of Land: Councilmember Chock moved to receive C 2020-54 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: 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. Any discussion from the members? We will have discussion on this when the Bill comes up later in the meeting.

The motion to receive C 2020-54 for the record was then put, and unanimously carried.

C 2020-55 Communication (01/31/2020) from the Housing Director, requesting Council approval to perform the following:

- a. Acquire under the County's Community Development Block Grant (CDBG) Program a residential unit at 4332 Hardy Street, Apt. 2, Lihu'e, Hawai'i, 96766, Tax Map Key (TMK): (4) 3-6-15-44 CPR 2, for a purchase price of not more than \$550,000.00, based on the fee simple market appraisal, which will be obtained as part of this transaction;
- b. Resale by leasehold of 4332 Hardy Street, Apt. 2, Lihu'e, Hawai'i, 96766, for not more than the leasehold market appraisal, which will be obtained as part of this transaction; and
- c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

Councilmember Kualii moved to approve C 2020-55, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any questions? I will suspend the rules.
Adam. Councilmember Evslin.

Councilmember Evslin: Thank you, Adam. I know that we periodically approve these. Is it a requirement of the Community Development Block Grant (CDBG) that we purchase a single-family home with that money once a year or is this something that we chose to do with the money?

(Councilmember Kagawa was noted as not present.)

There being no objections, the rules were suspended.

Mr. Roversi: We receive a certain amount and it varies every year. Throughout the year, we receive income from the CDBG program and we are required to spend that money based on a timeliness requirement; we have a limited period of time to spend the money. The home-buyer program is set up in our ordinance and it is one of the preferred projects that CDBG identifies for the use of the funds. I believe there could be other options, but this is...I believe we have operated this program since 2007. It seems to be a benefit to the community with very little or no-cost to the County to maintain a pool of affordable housing. I believe we have about twenty-eight (28) properties in our asset pool at the moment that are part of this long-term lease program that we purchased using CDBG funds and the predecessor to CDBG funds.

Councilmember Evslin: Thank you for the explanation. How does it work? Once a family is in there and they want to move out, does it go to another family or are they able to get equity from that in some fashion?

Mr. Roversi: There is a formula set out in the ordinance. They are not able to receive a windfall. It is a relatively small percentage each year over their purchase price. The county has an option to purchase it back at the purchase price, plus that percentage added each year, and then we would resell it as a leasehold. That is what typically happens. They are able to transfer their lease to a limited pool of people...family members...and it can pass from a parent to a child. I would have to double-check the ordinance on the relationships that allow them to pass it. We maintain the affordability because we generally buy it back if they want to get out of the agreement.

Councilmember Evslin: How do you establish the purchase price or the leasehold price?

(Councilmember Kagawa was noted as present.)

Mr. Roversi: We offer the homes for sale. I brought a flier. It is not for this house because we do not own it yet, but it is for one of the prior houses. I apologize, I did not bring copies for everyone. Based on AMI and the chart that is on the Housing Agency's website, for a four-bedroom house, we know the AMI. The purchase price of eighty percent (80%) AMI for a four-bedroom house is described in that chart. As an example, the most recent property that we offered for sale, before this one, had graduated sale prices depending on the person's income. The house—the long-term lease for people making eighty percent (80%) of the Kaua'i AMI, the sale price was three hundred twenty-four thousand dollars (\$324,000). For people

making sixty percent (60%) AMI, the sales price was two hundred ten thousand dollars (\$210,000). For people making fifty percent (50%) and below, the sale price was one hundred ninety-six thousand dollars (\$196,000). The sale price varies depending on who the buyer is based on the income and the United States Department of Housing and Urban Development (HUD) described standards.

Councilmember Evslin: I have two (2) more questions. Is it lottery-based or is it the next person on the list?

Mr. Roversi: Our housing policy also sets out the way that we maintain home-buyer list. Anyone in the community can get on the home-buyer list. One of the requirements is that you need to take a home-buyer education class to qualify to be on the list. It does not always function perfectly. However, the idea is for people to take the home-buyer class and learn about financial management. The intent is that when you are on the list, you sort of maintain yourself a state of being purchase-ready, so that when opportunities come up, you are ready to jump. It does not always function that way. We send out a sales flier to everyone that is on the list. They have a period of time to send us a letter of interest. We take all the letters of interest, along with initial financial documents that re-verify their income, because some people have been on the list for a long time and they have to income-qualify. When you get on the list, you are given a number. The lowest numbers get the first chance at purchasing the house. We would take our list, let us say we had ten (10) people who showed interest. We go to the lowest number first and give them an opportunity to get a pre-qualification letter, to be able to get a loan, and buy the house. If they qualify, we go through the steps of sale to that person. If they do not qualify, you go down the list to the next person.

Councilmember Evslin: My final question. On the description of the house, it mentions that it has occupancy for two (2) families. It says six (6) bedrooms and occupancy of two (2) families. Does that mean that it is for a multi-family dwelling that they can rent out a portion of it?

Mr. Roversi: I would have to get back to you on the details of the house.

Councilmember Evslin: Okay. In theory, do you folks look at multi-family dwellings and allow them to rent it out?

Mr. Roversi: It is not precluded under the ordinance. However, any sublease of the property...there are a few catches. The buyer of the home has to be income-qualified for the entire property. Any sublet of any portion of the house would be subject to the master lease agreement that we have and the Housing Agency would have to approve and sign-off on any subrental agreements. You are not able to rent out a carport, everything would have to be legally permitted, and so forth. It is not precluded, but there is some extra hoops to jump through in getting the County to review and approve all of the sublease agreements, tenants, and so forth.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a follow-up question on that. What I see is that it is four (4) bedrooms; one thousand seven hundred sixty-eight (1,768) square feet with three (3) full baths. What goes through my mind is knowing these families who have five (5), six (6), or seven (7) children that need to find housing as they lose the housing that they rent. When we have a house of this size, is there any prioritization in how it is chosen to go to a larger family? Does a single occupant have equal access to this house that could serve a full family who has a very difficult time finding housing?

Mr. Roversi: My preliminary understanding is that we are not able to discriminate amongst the buyers based on family size. Matthew might correct me, but I believe that is imposed on us by State law.

Councilmember Cowden: Could this go to a single person who is on the list?

Mr. Roversi: In theory, it could. If they had the priority in home-buyer list, if it was their number, then that is a possibility.

Councilmember Cowden: Okay.

Mr. Roversi: As a practical matter, I do not think that would typically happen because a five-bedroom home would be significantly more expensive than a one (1) or two-bedroom house that we could offer through the same program. People at these income-levels often rely on multiple incomes from multiple individuals to be able to purchase these homes.

Councilmember Cowden: If it is sixty percent (60%) of the AMI, they would be able to come in here with two hundred ten thousand dollars (\$210,000). Two hundred ten thousand dollars (\$210,000) is a good deal. A lot of our traditional families have...I will say that I am seven out of eight...I understand that some families are not really small. I am hearing that it is just on the list. It does not prioritize towards appropriate fit for a "hard-to-fit" family. I am hearing that correctly, yes?

Mr. Roversi: Yes. We are not allowed to discriminate based on family size.

Councilmember Cowden: Okay. Thank you.

Mr. Roversi: The sample prices that I read to you from the prior sale was a three-bedroom house. If this house had more bedrooms, the sales price would be higher.

Councilmember Cowden: We are buying it for five hundred fifty thousand dollars (\$550,000). If we buy it, that is about the price that it would be if it went on the market to someone else?

Mr. Roversi: The price that we purchase it at is the fee simple purchase price for the land and the building. Through calculations when we are selling the leasehold, we are extracting the value of the land. So the price that we are going resell it at would not be five hundred fifty thousand dollars (\$550,000); it is reduced based on income-levels and the fact it is a leasehold property.

Councilmember Cowden: Right, okay, so it is going to be...I was guessing the range being around three hundred twenty-five thousand dollars (\$325,000), which happened to be the number you came up with there. Is that close?

Mr. Roversi: Ballpark.

Councilmember Cowden: Ballpark. I noticed it says Apartment 2. Is this on a Condominium Property Regime (CPR) property?

Mr. Roversi: Yes, I believe so.

Councilmember Cowden: Is it the back lot?

Mr. Roversi: I am not sure if it is the back or the front. I have not physically seen this house myself.

Councilmember Cowden: Alright, thank you so much.

Council Chair Kaneshiro: Any other questions from the members? If not, thank you, Adam. 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. I will call this meeting back to order. Any final discussion from the members? For me, I would like to say thank you for these types of opportunities. Obviously, we are using CDBG money which does not cost us anything when we actually purchase the house, which is why we are able to sell the house at the leasehold value a lot less than what we are buying for. We are actually able to acquire a property that does not cost the County any money. We are able to offer it to the public at a reduced value leasehold. We eventually get to keep the house. I believe that for a lot of the houses that we have like this, we continue to redo it. As people move out, we get another tenant in. It has been a good program for the County. With that, the motion on the floor is to approve.

The motion to approve C 2020-55 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-56 Communication (02/07/2020) from Councilmember Chock and Councilmember Kualii, transmitting for Council consideration, a proposed draft bill to establish restrictions on the use and sale of polystyrene foam food service containers: Councilmember Chock moved to receive C 2020-56 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: This is just a communication, but if anyone needs to leave and is not able to stick around for the actual Bill that is coming up later in the agenda, you can testify now. I am just throwing that out there. Again, most of the discussion is going to take place on the actual Bill. With that, is there anyone in the audience wishing to testify on this item?

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

ANDRE LISTER: Good morning. My name is Andre Lister. Council Chair Kaneshiro and Councilmembers, *aloha* and *mahalo* for this opportunity to speak. I am for this Bill. I understand the conflict that some of you may have regarding the passing of this Bill. I am a business owner in our community and familiar with the potential impact of additional imposed costs by restricting what our local businesses can and cannot use. As society has become more educated on the impact our trash is having on our world, there has been a shift in products being offered to now include viable alternatives to both polystyrene and plastics. Where it may have been financially burdensome to not use plastics before, it is now possible to offer the alternative and still maintain your margins. I am part of the Leadership Kaua'i Program and have had the opportunity to meet with several of you. I have also had the opportunity to learn more about the role our County Council plays and the pressures a contentious issue like this can have on you. As part of our program, we are asked with developing a community project. This year, one of our projects is working to find solutions to several of Kaua'i's recycling and trash issues. Through our progress, we have had the opportunity to work with several of the elementary schools and learn more about what is being taught about recycling. We have seen that our *keiki* have a tremendous willingness to recycle and help eliminate the trash build-up that is an inevitable part of their future. Our key factor in all the active school programs is leadership. There are people teaching our *keiki* how to care and they all need to see that from the rest of our community. This is a great opportunity for you, our elected representatives, to show our *keiki* that you care about their future on our island and that there are ways to be more affective with our waste. This is a great opportunity for you to show that you care about the *'āina*. This is a great opportunity to show our local businesses that you care about them, too. Obviously, there will be those who disagree. Work with them to find the available alternatives to plastic and polystyrene. Help everyone see that what you are doing is for the greater good and a longer term solution. *Mahalo* for your time and consideration.

Council Chair Kaneshiro: Does anyone have any questions?
Councilmember Kagawa.

Councilmember Kagawa: I just have a short question. What kind of business do you have?

Mr. Lister: I am financial advisor, but I have clients that have businesses here in our community.

Councilmember Kagawa: Second question, how long have you been a resident of Kaua'i?

Mr. Lister: Two (2) years.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: My first question was what is your business? Second question is, if you own a food establishment...say you are serving saimin...those containers leak and if someone gets burned, would you take the responsibility of being sued by that person?

Mr. Lister: Me, personally?

Councilmember Brun: Yes, if you were a business owner.

Mr. Lister: Obviously, not. But all containers do spill. Burns are inevitable by people who have accidents or misuse them.

Councilmember Brun: Thank you.

Council Chair Kaneshiro: Is there anyone else wishing to testify now? Again, you will not be able to testify when the actual Bill comes up. This will be the time to testify.

ANDREW KASS: Aloha. My name is Andrew Kass. I live in the Wailua Houselots, which is right next to Wailua Beach, so I walk there at least once a week. As you all know, there was recent erosion in January. The exposed part of the roadside—what use to be the roadside, now is next to the bike path. As I walk on Wailua Beach, I often find trash. We find plastic bottles, take out containers, and we do find polystyrene take-out containers. People go to the beach and just leave them there. You can tell it has a fork and a napkin right next to it. But what I want to talk about is how long this stuff lasts in the environment. So at the recent roadside, there was a lot of dirt and sand buildup that washed onto the beach. While walking on the beach, I started finding cans and bits of polystyrene. One of the cans was a Coca Cola bottle from 1992, it said, "Olympics of 1992." Then a lot of the other items we find are tiny bits of polystyrene, not just aluminum. So let me show you, these are little bits of polystyrene. These were on the beach. This one has a yellow "m" on it, you might recognize that. So these were on the beach, floating on the shore. Where does this come from? Then I realized this use to be the roadside, so things would be tossed out of cars or fly out of the back of pickup trucks and land in the bushes. I have some photos of what I found there. So if you can see, this is the roadside that is eroded. When I looked in there, I found this...it was buried in the dirt...it is a piece of polystyrene. Let me

show you where that is...so it is right down here on the bottom. It is about eighteen (18) inches buried in the dirt in the roots of a tree. So I dug this out and it is a polystyrene cup. It is this one right here. Sorry about the sand, I will clean it up. It had the bottom to the cup, it was upside down in the dirt. It is a polystyrene take out cup. Inside of it were some trash. I think someone just threw it out of the window.

Council Chair Kaneshiro: Andrew, sorry that is your first three (3) minutes. I am going to have to see if anyone else wants to testify. You can come back for another three (3) minutes.

Mr. Kass: Okay.

Council Chair Kaneshiro: You are going to have to dust off the table a little bit.

Mr. Kass: Yes, I know. 1983.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I have a question Andrew.

Mr. Kass: Sure.

Councilmember Kagawa: Did you collect that in 1983? You made a reference to 1983.

Mr. Kass: The trash inside the cup said, "1983." It is a Cheetos bag, "Copyright 1983."

Councilmember Kagawa: Second question, how long have you been a resident of Kaua'i?

Mr. Kass: I have been a resident of Kaua'i for seventeen (17) years.

Councilmember Kagawa: Okay, thank you.

Mr. Kass: Half as long as the cup.

Council Chair Kaneshiro: Again, this is just the communication.

Councilmember Kagawa: I have one more question.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I remember there was a homeless problem under the bridge in Wailua, along that exact place you say you walk.

Mr. Kass: Yes.

Councilmember Kagawa: Do you think some of it is coming from the homeless, or like you said, people throwing it out of their window?

Mr. Kass: If I may take a minute to respond. I see all kinds of trash. There is trash from...

Councilmember Kagawa: No, I am just talking about the large homeless encampment under the bridge that was publicized in the news. Do you think a lot of that trash is coming from them or do you think it is coming from random people flying it out the window?

Mr. Kass: It comes from both.

Councilmember Kagawa: Both. Okay, thanks.

Council Chair Kaneshiro: Thanks. This is the communication—it is to be able to get anyone that is not going to be able to stick around for the Bill. Is there anyone else wishing to testify?

KATHLEEN BRICKNER: *Aloha.* My name is Kathleen Brickner and I am here on behalf of Surfrider Foundation and its members. Surfrider has been working on this polystyrene ban or about ten (10) years, so we want to give a big *mahalo* to Councilmember Chock and Councilmember Kualii, as well as Mayor Kawakami and the Office of the Mayor, for both sponsoring this Bill and supporting it, as well as the Mayor's forward movement regarding the single-use plastic. I personally work with the *keiki* and go into the school educating, as well as helped to organize beach cleanups and net patrol. I am aware that Kaua'i really caters to tourism and that is our biggest industry and a lot of the waste is coming from tourism, and the responsibility is falling back on the people of Kaua'i and we have limited space in our landfill. I believe that people, if given the choice, will choose the right thing, but sometimes a habit needs a little bit of a push. I continue to urge the County Council to strengthen their actions against single-use plastics, such as cutlery. We can make our *'āina* cleaner. Thank you.

Council Chair Kaneshiro: Thank you. Next up, Hoku.

HOKU GORDINES: Hi. Good morning, Council. My name is Hoku Gordines. My family owns a restaurant in Po'ipū Beach. As a business owner and a major contributor to our trash and being a food and beverage industry where we produce a lot of trash that goes into the landfill, my one concern that I have is that if this Bill were passed, there are several exemptions. I am a proponent of not using single-use plastic or polystyrene foam and the exemptions that are there in place; for example, the Bill exempts food packaged outside of Kaua'i County. So that means anyone that is going to package food and bring it to our Costco, Foodland, Safeway, or our local markets would be exempt from the rules. Now I do say, if the Bill was passed, it is a great step. That means that local businesses cannot put their products in a styrofoam cup...that is a really good start and a good step, but I would like to try to reach a little further and try to get our local distributors to reduce or eliminate the use of single-use plastic and Styrofoam altogether, if at all possible.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Hoku. Just to clarify when you talk about distributors, for instance we have Jimmy Sales that do sell the alternatives, but what you are talking about are companies like Costco. You would like for it to be more far-reaching to apply to them, is that correct?

Mr. Gordines: They produce much more waste than local businesses.

Councilmember Chock: Okay, that is what you are doing. Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Hoku, how long have you had this restaurant?

Mr. Gordines: My father started the business in 1984.

Councilmember Kagawa: How long have you folks turn to using non-single-use?

Mr. Gordines: Basically, we have reduced using single-waste products in our deli and in the restaurant over a period of three (3) years. At this time, we no longer have any single-use plastics outside of a ramekin. If we could find a replacement for a plastic ramekin—I hope someone is listening out there—we would like to find a replacement for a plastic ramekin.

Councilmember Kagawa: Basically, for three (3) plus years you voluntarily converted.

Mr. Gordines: Everything from a plastic straw to styrofoam package for a hot container or styrofoam package for a take-out container, including single-use plastic forks, spoons, knives, and plastic wrapped napkins—we have eliminated all of those things.

Councilmember Kagawa: Can I ask what kind of food do you sell?

Mr. Gordines: It is everything from seafood to salads to soups.

Councilmember Kagawa: Is a lot of take-out involved?

Mr. Gordines: Our take-out business is possibly eight percent (8%) and the deli is nearly ninety-five percent (95%), almost one hundred percent (100%).

Councilmember Kagawa: Okay, thank you.

Mr. Gordines: Thank you.

Council Chair Kaneshiro: Councilmember Cowden, did you have a question?

Councilmember Cowden: I can ask when we do the Bill.

Council Chair Kaneshiro: Okay, Councilmember Brun.

Councilmember Brun: Do you mind sharing what is the name of your business?

Mr. Gordines: What the business name is? It is Brennecke's Beach Broiler, owned by Bob and Christine French and myself, Hoku Gordines.

Councilmember Brun: Do you serve shaved ice out of this?

Mr. Gordines: Yes.

Councilmember Brun: Does it last the whole way before it disintegrates?

Mr. Gordines: I would say that the challenge that we face is the product that we do use that is non-styrofoam or polystyrene, which is that it does tend to break down quicker, but that is the price we pay. We hope they eat it faster.

Councilmember Brun: If you are serving a hot soup, all of the containers I know of sucks up contents of the soup and you are left with no soup by the time you reach home to eat it...then it goes all over your seat. If the soup spills onto someone's lap, if we do this ban, are you folks willing to take responsibility? Since the County passes this, if this does pass, who is responsible?

Mr. Gordines: Obviously, any liability that falls on our company, we are willing to incur. However, I am willing to pay a little bit more for a product that does not produce the waste that is also safe.

Councilmember Brun: Okay.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thanks for your testimony. Do you know off-hand the price difference between compostable material and single-use plastic? Do you think if people cannot use polystyrene, they would switch to single-use plastic instead of compostable ones? Do you know the price differences?

Mr. Gordines: I cannot give you the exact price difference without a spreadsheet, but I can say that it is more expensive. It is probably thirty percent (30%) more expensive.

Councilmember Evslin: The compostable to the single-use plastic?

Mr. Gordines: Yes.

Councilmember Evslin: So from polystyrene being the cheapest. Single-use plastic may be second cheapest to compostable...

Mr. Gordines: ...being the most expensive. If the entire County incurred those costs, then those costs for businesses would actually be less, it would be a reduction in the costs.

Councilmember Evslin: One other question. I do not know much about food ware. Are there single-use plastic equivalents for most of the polystyrene you are using?

Mr. Gordines: Yes, it is just more expensive.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Thank you, Hoku.

Mr. Gordines: Thank you for your time.

Council Chair Kaneshiro: Is there anyone else wishing to testify? Again, this is a communication, but we are going to use this testimony when the actual Bill comes up as your testimony. So if you testify now, you will not be able to testify again for another six (6) minutes on the actual Bill, this will be your testimony.

LANA SHAE: Hi, I am Lana Shae and I am a Surfrider member. I am here because I do a lot of beach clean-ups and I find lots of bits broken into tiny pieces, so that is one of the main things with the styrofoam. The plastic is affecting a whole ecosystem, which draws tourism and a sustainable life, giving source of life for a lot of people—the fishing industry. That is what this is affecting and our convenience is making a big impact. You spend an hour or two looking around and you see how many tiny pieces of styrofoam. We have to make these changes. It is coming from my heart because I love the ocean so much. I just thank you for reinforcing this. We are smart, we are capable, and we can make these changes. I really hope you strengthen it and follow through with it; making these changes are important. These small little extra fees—ask a customer if they are willing to pay this and a lot of people will say, “Yes, of course.” If they realize...if they take a minute and look around and see how much it is affecting our ocean life, which is a source of life and joy for a lot of people. Just seeing the fish...if they are dying because they are eating plastic and styrofoam then it is not going to be pretty very much longer. So thank you for strengthening this Bill and thank you for taking the time to listen to the people, because we do care. Thank you for your time and proposing this and making it happen.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I have a question. Thank you for doing clean-ups.

Ms. Shae: Yes, it is a lot of work.

Councilmember Kagawa: Is the main problem littering?

Ms. Shae: No, the fishing industry is a huge problem...the nets and a lot of it with the styrofoam.

Councilmember Kagawa: Hold on, we are talking about styrofoam and plastic. I want to stay on the subject, so this styrofoam and plastic that you are finding...yes, this Bill will ban it for the food industry, but is the main problem not littering? If people do not litter, then you will not see it.

Ms. Shae: Well, it can blow off the landfill and I think the source is coming to a breaking point of if we are creating more and more of this it is going to be in our environment more and more. It is affecting our environment in a negative way and we see that.

Councilmember Kagawa: Last question, how long have you been a resident of Kaua'i?

Ms. Shae: Twenty (20) years. Yes, north shore and Hā'ena. I do not see it as much until I come to the east side, then I really...

Councilmember Kagawa: So on the north shore, there is not as much litter?

Ms. Shae: No, not as much. It does come washing in from the ocean and it does come in from people leaving it in the bushes...almost like they had a take-out and I forgot it there or a part blew away in the wind and it got left and it broke down into tiny pieces. That is part of it. It just keeps breaking down. It is in the sand, soil, and in the ocean. Part of eliminating the issue is starting at the source. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am just following-up on Councilmember Kagawa. You said north shore...I live on the north shore, too. It is hard to find polystyrene in a restaurant there?

Ms. Shae: Except for the L&L Hawaiian Barbecue, which I have asked them. I brought them a brochure, but they said to take it to management.

Councilmember Cowden: We have the change of the tides, the change of many habits of littering, but also for several years at least we do not have polystyrene on the north shore. It is very remarkable to see. You notice if someone hands you something in the polystyrene.

Ms. Shae: Yes.

Councilmember Cowden: Pretty much Kīlauea and beyond.

Ms. Shae: You still can buy those big coolers, which break down too, for tourist, which they should buy one that they can use as a souvenir instead and they can have it for twenty (20) years, rather than ten (10) days that they are here and now it is in the environment for another five hundred (500) years. Any other questions?

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: The foam containers for take-out, do you think that is a bigger hazard than if you buy a television and you have all that foam in there? Does that foam break down?

Ms. Shae: Definitely, I think we should encourage every type of packaging to be made of compostable material, one hundred percent (100%). Everything that is brought to the island, we should consider, "How it is going to affect the impact the next generations to come?" The take-outs, because it is a constant—you buy your television once that last you for ten (10) years—but for take-outs, some people do it every day, then ten (10) years later there are thousands (1,000).

Councilmember Brun: So when buying a plate of take-out, you think it is a bigger problem than buying a television with more of that foam in there?

Ms. Shae: I would just say because of the amount. Everything needs to be addressed, but this is the first step to address something that is a constant. The take-out, because there are alternatives, I think if it is really hard on the business...they can just put a little tip jar out and say, "This is to help pay for compostable products to save the turtles, dolphins, and whales from eating it," because that is what happens. They literally are ingesting it in their bodies and it is our fault.

Councilmember Brun: You are hearing that a lot of companies are against it because of the costs.

Ms. Shae: I think that would be a reason. As a business owner, of course you are thinking about your bottom line...but for me, my bottom line...one hundred percent (100%) and always is my environmental impact, then profit comes next. That is my personal standard.

Councilmember Brun: Thank you.

Ms. Shae: I appreciate your time.

Council Chair Kaneshiro: Is there anyone else wishing to testify for the first time?

REBECCA HART: Aloha. My name is Rebecca Hart. I could not decide whether if I am here as my teacher personality or as my community member

personality, so I put both on the paper and I think that would be okay. I brought my class. This is a group of third graders that I teach on the north shore in Kilauea. That is where I live also, for the last twenty (20) years. I come from a background of environmental science and education. I went to an environmental studies high school and graduated from the University of Hawai'i with a degree in Anthropology, but I studied Environmental Science, Environmental Studies. I have a background in Marine Biology and did water quality testing over on O'ahu. As a president of the environmental club at the University of Hawai'i, also at Hawai'i Pacific University (HPU), where I first started as a freshman in college...I have a little bit of background... well, I am not even going to humble myself in that way. I have a huge background in environmental education and of the well-being of our earth. That has been my passion ever since I was a very young child. If I would have spent more time on the testimony then I would probably have ten (10) pages here, but I am mostly going to speak from my heart, right now. I want to thank you folks for introducing this Bill. Councilmember Kualii, *mahalo nui loa* for introducing this Bill. It is such an important thing. Thank you representatives for having the time and space where we can speak on behalf of this. I thought it was really important, also for my class, to see how much we care, because we do run a plastic-free or single-use plastic-free class. I chose blackboards with chalk instead of white boards with marker on purpose to make sure we are teaching the youth that we have a large impact on what we can do here on our island of Kaua'i. Being that, Malakai, will you lift up that piece of trash that we found on our way here today? I know that we are specifically talking about styrofoam today, and on our way to school, we did find this on the side of the road so we just thought we would hold it up and you folks can all take a look and see what really happens when people use single-use styrofoam, specifically. I can go on and on about how plastic negatively impacts our planet and negatively impacts human health, and that styrofoam is also made of plastic and it breaks down faster than any other plastic I have ever seen. We have teamed up with Surfrider several times in our experience together as a class and myself, I have been a member of Surfrider for twenty (20) years. I can also testify that styrofoam on the beaches has become more and more of a problem. In my life...I do not need to tell you how old I am...but I can tell you that I have seen an increasing problem with styrofoam and micro plastics on our beach, styrofoam specifically.

Council Chair Kaneshiro: I am sorry Rebecca that is your first three (3) minutes. You can come back for another three (3) once we get through everyone.

Ms. Hart: Okay, thank you.

Council Chair Kaneshiro: Anyone else wishing to testify for the first time?

KAILANI DOVE: Hi, I am Kailani Dove. I think styrofoam is a big problem on our island. I was reading this article about Styrofoam and one of the parts I read was when styrofoam is burnt for energy for disposal, it is released into the environment leading to air pollution and health problems when inhaled by humans and animals. I think that we should definitely ban it from our island because I think it will be a lot better for everyone's health and better for all of the animals.

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

NAIA WOODRUFF: Hi, I am Naia Woodruff and I think plastic is bad. We do not want or need styrofoam any more. It is bad for our environment, our health, and also the animals.

Council Chair Kaneshiro: Thank you. State your name for the record.

ALEIA KANEHE: My name is Aleia Kanehe and I do not like to use styrofoam because my teacher Ms. Hart has been teaching me that styrofoam is made out of oil and sometimes we eat food out of it and it is not good for our health. I do not want styrofoam because it usually goes into the earth and people just do not think it will do anything, but it really does.

ARIA SOPHIA GODINES: My name is Aria Sophia Godines. I think styrofoam is made out of gas and oil. When the animals eat it they will die.

Ms. Kanehe: My friend Aria and I do not want plastic or styrofoam in the earth because it is made out of oil and it is not good for your health. Sometimes turtles, dolphins, and whales die. I do not want to do that because I surf and sometimes I see a lot of plastic in the water and micro bits of plastic and styrofoam, which I do not like. That is it.

Ms. Godines: We do not want styrofoam. Styrofoam is bad for the animals. Birds are eating styrofoam and their stomachs get too full.

Council Chair Kaneshiro: Okay, thank you. Is there anyone else for the first time? Just state your name for the record, also.

EWAN KERWIN: My name is Ewan Kerwin. Plastic and styrofoam are things where people thought it was amazing when it was first invented, but slowly as environments like the ocean get polluted, we learn more and more that plastic is bad for us and we should start reducing it.

Council Chair Kaneshiro: Okay, thank you.

TANNER MILLER: Hi, I am Tanner Miller. We should get rid of styrofoam because styrofoam hurts the ozone layer and the ozone layer protects us from heat and harmful radiation. If we do not have it, we could get hurt. Animals can eat it and get sick. They get sick because they cannot digest it and they starve. When we eat fish they could have styrofoam in it and we could be eating the styrofoam. Styrofoam breaks down into smaller pieces and can go through our skin and into our body. Styrofoam goes onto our beaches, we should clean the beaches up. I think we should stop using it.

Council Chair Kaneshiro: Okay, thank you. Is there anyone else for the first time? Okay, is there anyone else for the second time? If not, I will call this meeting back to order. Again, we are just on the communication. Any discussion from the members? Councilmember Kagawa.

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

Councilmember Kagawa: I want to thank the teachers and students for showing up today and speaking. You folks did an excellent job, students. It is very difficult to do public speaking and I think you folks nailed it and did a great job expressing your thoughts. Thank you for preparing and coming before us being so brave and sharing your thoughts as youngsters, as far as what we should do. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, motion on the floor is to receive.

The motion to receive C 2020-56 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-57 Communication (02/10/2020) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the United States Department of Agriculture Rural Business Development Grant, in the amount of \$100,000.00, to provide assistance in market analysis, financial projections, branding, and technical support for ten (10) to twelve (12) businesses on Kaua'i: Councilmember Chock moved to defer C 2020-57, seconded by Councilmember Kualii.

Council Chair Kaneshiro: No testimony then.

The motion to defer C 2020-57 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

CLAIMS:

C 2020-58 Communication (01/29/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Charles Barnum, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-59 Communication (02/03/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Shaylece Masuda, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-60 Communication (02/06/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jay Sussman, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2020-58, C 2020-59, and C 2020-60 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 the claims?

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 refer C 2020-58, C 2020-59, and C 2020-60 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. Actually, let me take one quick step back. Did anyone want to testify on Communication C 2020-57 regarding the State Department of Agricultural Rural Business Development Grant? Okay, no one so we can move on.

COMMITTEE REPORTS:

PLANNING COMMITTEE:

A report (No. CR-PL 2020-02) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“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 Kauaʻi, Applicant*) (ZA-2020-4),”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Chock.

(Councilmember Euslin was noted as not present.)

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Planning Committee Report?

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

The motion for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi,*

Councilmember Evslin was noted as silent (not present), but shall be recorded as an affirmative for the motion).

Council Chair Kaneshiro: Motion carried. Next item.

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

A report (No. CR-PSHS 2020-01) submitted by the Public Safety & Human Services Committee, recommending that the following be Approved as Amended on second and final reading:

“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 Chock moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Public Safety & Human Services Committee Report?

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 for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauai, Councilmember Evslin was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Council Chair Kaneshiro: Motion carried. Next item.

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2020-02) submitted by the Finance & Economic Development Committee, recommending that the following be Received for the Record:

“FED 2020-01 – Communication (01/24/2020) from Councilmember Cowden, requesting the presence of the Director of Finance, to provide a briefing and overview of the County of Kauai’s Real Property tax credits, exemptions, forms, taxpayer education/outreach, and deadlines,”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Finance & Economic Development Committee Report?

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 for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Evslin was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Kaneshiro: Motion carried. Next item.

(*Councilmember Evslin was noted as present.*)

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair we do have one (1) speaker that needs to leave that wants to speak on Bill No. 2768 and Bill No. 2769.

Council Chair Kaneshiro: Okay.

Ms. Fountain-Tanigawa: This is Larry Lau on Bill No. 2768.

Council Chair Kaneshiro: Okay. Yes, Larry, I know you are on a time crunch.

Ms. Fountain-Tanigawa: Chair, this is on page 5.

There being no objections, Bill No. 2768, Draft 1 was taken out of order.

BILLS FOR SECOND READING:

Bill No. 2768, Draft 1 – 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)

LARRY LAU: Larry Lau, testifying on my own behalf.

Council Chair Kaneshiro: Sorry, can I get a motion?

Councilmember Chock moved to approve Bill No. 2768, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kualii.

Council Chair Kaneshiro: I will suspend the rules, go ahead, Larry.

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

Mr. Lau: Larry Lau, testifying on my own behalf. Chair Kaneshiro and Councilmembers, thank you very much for your work on these Bills. If I can, in the interest of efficiency, I would like to testify on both this Bill and the next Bill No. 2769 since they are here, basically a pair. I support the two (2) Bills as drafted with the amendments. I strongly urge you to pass them today. They will make it possible to build homes, where right now, it is either way too expensive or it is just not allowed by law. That is my situation. I first came to Kaua'i about 1966 or 1965 as a teenager and I fell in love with it, and when I was able to buy some land in 1992, I was really happy to buy land on Kaua'i. A few years ago, I found out that our *hui* has a thousand foot long crushed coral road, but that is not good enough. We would have to make it by County standards and then it is too far from Kahiliholo, from a public street. So even if we paved—come up with the money—we still could not build a home there and that is really tough. I commend you. I want to thank the Administrative departments, Planning, Fire, and Public Works, for their work on these. The objective I have heard is there is something in the Fire Code Bill that is going to make it more expensive. I am sorry, I do not understand that and I am hoping someone could explain that to me at some point, but the way I see it, there is not going to be any home without sprinklers. It cannot be done right now, unless this law is changed. I am hoping that the sprinkler issue can be dealt with, but I do not understand right now how those provisions in the Fire Code Bill would prevent homes from being built. To me, it is the reverse. If we do not pass these bills, that is what is keeping these homes from being built. Thank you very much.

Council Chair Kaneshiro: Okay, thank you. We will go back to this Bill later. Next up, is the Resolution on page 4.

Ms. Fountain-Tanigawa: Back to page 4.

RESOLUTION:

Resolution No. 2020-09 – RESOLUTION ESTABLISHING A NO-PARKING ZONE AT THE INTERSECTION OF MANO STREET AND HANALIMA STREET, LĪHU'E DISTRICT, COUNTY OF KAUA'I: Councilmember Chock moved for adoption of Resolution No. 2020-09, seconded by Councilmember Kualī'i.

Council Chair Kaneshiro: I will suspend the rules. Is Mike or Lyle here? Councilmember Kagawa.

Councilmember Kagawa: I went out on a site visit last week. Basically, if you are coming off Hanalima and you approach the stop sign, it is primarily a left turn, because the right turn goes into a dead end, right?

There being no objections, the rules were suspended.

MICHAEL MOULE, Chief of Engineering Division:
the record. Yes, that is correct.

Michael Moule, for

(Councilmember Chock was noted as not present.)

Councilmember Kagawa: The concern that first initiated this Resolution was that it was a dangerous left turn or speeding?

Mr. Moule: The main concern that has been expressed by the original complainant, as well as several people from our outreach to the public since the last time we were here three (3) weeks ago, is that people on Hanalima Street are not fully stopping at the stop sign at Mano Street and they make the left turn onto Mano Street without stopping. That is the largest concern and the request for...we have done a number of things in the past to emphasize the stop, but this current request is to open up the sight lines a bit so that at least when drivers are approaching and someone does not stop they will be able to see them better. I think that is the basis. My understanding is that is the basis of this request at this time.

(Councilmember Chock was noted as present.)

Councilmember Kagawa: As I look at that shoulder on the left side, the proposed no-parking area, it is quite a wide strip, unlike a normal right-of-way. Definitely, a no-parking on that strip will open up the side lines, if cars are parked. It is primarily a left turn, so I agree with that call for no-parking with safety being the end result. My only issue is because I have not observed it at night—I observed it a twelve noon—so is there normally cars that are using it to park on that area? I know you folks do not work there, but I do not know if you had any information or any concerns that people are taking away parking that residents...like I said, that area along with various other areas, sometimes there are multi-families living in houses with much more than two (2) cars. What I was worried about was the use, perhaps it was a...maybe it was that resident itself that wanted that are to have no-parking, because maybe other people were parking on that shoulder. In reality, it is not your shoulder, it is a County right-of-way. First come, first serve is my understanding on the County right-of-way that is useful residential parking. Is there going to be a problem?

Mr. Moule: We have observed.

Councilmember Kagawa: Did you ask the resident there?

Mr. Moule: I have a fair amount of information of things that we got based on your request from last time. I can go through that, if that is okay.

Councilmember Kagawa: Yes.

Mr. Moule: We did several things in response to your request at the last meeting three (3) weeks ago. Most notably, we have mailed letters on February 3rd to thirty-three (33) residents or property owners—we did both. If we saw the property owner was not a resident of the house, we sent it to them wherever

they are and we sent a letter to whom it may concern at that address, as well. There were thirty-three (33) total within about a block. The area where we think people might likely want to park to walk to their house relatively nearby, asking for their comments about the proposed Resolution. We asked for their comments to be submitted before this past Saturday, the 14th. We have received five (5) responses; I sent over in a correspondence to you yesterday with saying that we had received four (4) responses, then we received one (1) more since then.

(Councilmember Brun was noted as not present.)

Mr. Moule: Every respondent was very concerned with people not stopping at the stop sign; that was their main concern. No one was opposed. There was one (1) person who did not express his specific opinion about the Resolution, but just mentioned that people are not stopping. The other four (4) respondents specifically said, "They support the idea of not allowing parking in this area." So, there was no one who was wanting to keep the parking there—at least the five (5) people who contacted us back. We also researched our crash records and worked with the Kaua'i Police Department (KPD) on their crash records. We do not have a complete response from KPD in the timeframe that we had, but we did identify there was one (1) crash at this intersection that took place awhile back in 2008. The more recent data is not in the database that we have and we are waiting on KPD for that information since 2012. We also asked KPD about their enforcement efforts and I could not find specific records of my past correspondence, but I do know they did a specific enforcement effort there about three (3) or four (4) years ago. The most recent response we have was when they looked at their records from the last three (3) years—just in general, they had four (4) citations for failures to stop in the last three (3) years, but the officer that responded in this case said, that there was not a specific target enforcement during that time it was just their general course of action on that. Again, there was no opposition received from the respondents and at least one (1) crash in the past, along with citations that had been given when police were out enforcing in the area.

Councilmember Kagawa: Thank you. I appreciate the work you folks did. I do not know what to really make of the fact that only five (5) out of thirty-three (33) responded, because I am worried that the other twenty-eight people who did not respond act like how I treat mail: if it is not a bill or money then I throw it away. Later, when it impacts them and they look and there is a "no-parking" sign and they are not able to park there, they will grumble later. I am worried about what the five (5) out of thirty-three (33) equates to. Does that mean they are good with no-parking or does that mean that they will complain later when the no-parking sign goes up? I appreciate that you folks did all that you could do. Sometimes our response can be, "We gave you a chance and you did not respond, so the signs are there." Thank you.

Mr. Moule: I do have one more thing I would like to share. It may address your concerns about there being a high demand for parking in this area or potential demand.

Council Chair Kaneshiro: I know it will probably take a little while to warm up, but Councilmember Cowden had a question. Councilmember Cowden.

Councilmember Cowden: Mines is a follow-up to Vice Chair Kagawa's question. For those five (5) that responded, are any of them the adjacent neighbors or directly across the street? I appreciate that thirty-three (33) went out. I am assuming those are to the addresses on the street. I would think the most important ones would be either directly across the street or who is likely to park at night right there. I just wondered if those five (5) are them.

Mr. Moule: I will try to give you a sense of that. Of the respondents that have a clear address in the area, one (1) appears to be an owner because they live elsewhere on the island and did not state which property they were specifically concerned about. Two (2) were on Mano Street at the dead end portion beyond Hanalima Street. One (1) was on Mano Street. I believe, I do not know the exact address on this one, but I believe it was across the street from this parking restriction. Then, 4126 Mano Street.

Councilmember Cowden: I would assume 2125 Hanalima Street, the house directly adjacent to the property, do they want the no-parking sign?

Mr. Moule: We did not receive a response from them. One way or another, they are not listed here in any of these responses we have received. There were three (3) in the dead end and one (1) across the street.

Councilmember Cowden: Do we ever make a phone call? I am just curious.

Mr. Moule: We did not make phone calls to residents. It is actually difficult to obtain phone numbers, number one, and a very time-consuming effort to make those calls to dozens of residents. But I want to show this just because two things—one, this gets to Councilmember Kagawa's concern of how much parking we are taking away. The most notable thing is that this is the side yard of the house on Hanalima Street that you just mentioned, Councilmember Cowden. There is some room in front that house where one (1) car can still be parked for the driveway. There is a vehicle obviously parked in the area, as you can see on this image in the red area, which is the area we would prohibit parking, but there is not for the next...roughly eighty (80) to ninety (90) feet to the next driveway in this particular image...obviously taken during the day. Councilmember Kagawa is correct that it is more likely that more cars are parked here at night. You can see that looking elsewhere in the neighborhood that there are a fair amount of cars parked near houses, but they tend to park as close to their house as possible. Generally, because this location is not directly in front of a house, it is less of a concern than if it were. I think that there is some good support for this. I also want to point out the graphics on here. You see the blue line going back to the second arrow, the second arrow indicates the two hundred eighty (280) foot distance that you would need to be able to see based on the twenty-five mile per hour (25 MPH) design speed. We are recommending ninety (90) feet for a number of reasons. One is that vehicles are not going to park right up the edge of the pavement...as Councilmember Kagawa indicated, it is a pretty wide area. If someone is parked further to the left beyond the red area and they are parked off the pavement a bit, that will not be blocking sidelines. Plus cars are not fully opaque,

generally. You can partially see through a car, so whatever you are dealing with in terms of sight of intersections where there is parking, we have to not be quite so conservative as what the American Association of State Highway and Transportation Officials (ASHTO) might recommend for parking. We have done that in this case. We have reduced the length based on our engineering judgement of what is appropriate to not remove too much from the neighborhood and the neighbors, but to provide for safety at the intersection. We are trying to balance that with this and I wanted to point that out to you as well. We want to try and create a safe intersection, but without restricting parking in a way that would be detrimental to residents.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions? If not, thank you. Is there anyone in the audience wishing to testify? Bruce.

BRUCE HART: For the record, Bruce Hart. I happen to accompany Vice Chair Kagawa and I want to point out something—do you see the shoulder of the road...when I speak about, “we have a parking problem,” it is not in this area of our community. There is more than adequate space on the shoulder of the road for cars to completely get out of the lane of travel. There is no need for a car going in either direction to have to pull out into the oncoming traffic in order to get around a parked car. Then in regards to this issue, if it was a large vehicle parked in the red-zone, it would be seriously problematic coming out of the intersection. It is probably better that there are not cars parked there. I also would like to say that I find this interesting since parking is such an issue with me is that I am going to use this. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Seeing none, I will call this meeting back to order.

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? As far as I go, I think I asked for the outreach also the other week. I am satisfied with outreach that happened and I am willing to support the Resolution now. Is there anyone else? If not, roll call vote.

The motion for adoption of Resolution No. 2020-09 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.

*(*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.)*

SCOTT K. SATO, Deputy County Clerk: Seven (7) ayes.

Council Chair Kaneshiro: Motion passes. Next item.

Mr. Sato: We are at the top of page 5.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2755) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND (*Kaua'i County Council, Applicant*) (ZA-2020-5): Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2755) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 25, 2020, and referred to the Planning Committee, seconded by Councilmember Chock.

Council Chair Kaneshiro: I will suspend the rules. Ka'aina if you want to just give us a brief overview of this Bill, then we will take questions.

There being no objections, the rules were suspended.

KA'AINA S. HULL, Director of Planning: Good morning, Chair, members of the Council, Ka'aina Hull on behalf of the Planning Department. In a nutshell, it is a shared-wall construction Bill. A few years ago, the Council acted to outright allow multi-family construction in all residential zoning districts, because there is a prohibition on R-6 and lower. That passed and it was to allow shared-wall construction essentially to have the units constructed next to each other. This Bill somewhat follows in suit of that saying right now, there is a requirement for attached single-family dwellings to have ten thousand (10,000) square feet of land and multi-family units to have twelve thousand (12,000) square feet of land. What this just says is as long as you have the density to construct more than one (1) unit, you can do it via shared-wall construction. That is it in a nutshell. The Department was supportive of it because it looks at reducing costs. Again, the property owners that this Bill effects already have the right to build two (2) or more units. All this is saying is that you can do shared-wall construction. There was very little discussion at the Planning Commission, quite honestly, because we found the Commission to be supportive, as well. That is it in a nutshell. I am here for questions if you have any.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Did Planning put this forward or did Councilmember Evslin?

Mr. Hull: The introducer is Councilmember Evslin.

Councilmember Cowden: Okay. I just want to make sure I am understanding this correctly. Already the density allowed in this area would be to allow those additional rental units. So we are already allowing two (2) and this is just saying, if these places wanted to be built as a duplex there is no barrier to that.

Mr. Hull: Essentially, yes. This Bill pertains to the residential zoning district. In the residential district, if you qualify for only one (1) unit, you then qualify for an Additional Dwelling Unit (ADU) and an ARU. Quite honestly, the ADU and ARU can be done with shared-wall construction, but if you qualify for a second dwelling unit, if your property qualifies for two (2), three (3), or four (4) dwelling units, technically under the requirement under the Comprehensive Zoning Ordinance (CZO), you have to have over ten thousand (10,000) square feet of land. All this says is that if you already qualify for two (2), three (3), or four (4) units, you can use shared-wall construction.

Councilmember Cowden: Just yesterday, I was over in this area off of Rice Street to the right over the valley and you can see how much density has increased in that area. It was interesting. The parking was something like as if we stopped at an auction or something to that effect. Just watching the dance of the vehicles trying to negotiate around each other was really tight. Is this going to in any way increase the potential for density in areas like that?

Mr. Hull: This proposal does not. All it says right now is that if you have the ability to construct two (2) units, you have to do it this way. All this says is now no matter what the property size is, you can do it like that. I tried to paint it as simple as I can.

Councilmember Cowden: I just want to be really clear.

Mr. Hull: Yes, that is what it comes down to.

Councilmember Cowden: So when we are taking off the twelve thousand (12,000) square feet or the ten thousand (10,000) square feet—that is not really the core element. It is not going to allow greater density on the property than what is already allowed.

Mr. Hull: No.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Mr. Hull. Just to clarify. You were saying, if you have the allowance for an ADU or an ARU, then you can already build a multi-family home. It is just if you have the density for two (2) homes then you could not.

Mr. Hull: Yes.

Councilmember Evslin: But I guess in practice, does that mean that in general higher density properties are within our town cores and our lower densities are further away, so it is like we are allowing multi-family homes to be built on smaller lots outside of our towns, but not necessarily in our towns with this in here. In general, would that be correct?

Mr. Hull: In general you can, yes.

Councilmember Evslin: Thank you for now.

Council Chair Kaneshiro: Is there any other questions from the members? If not, thank you Mr. Hull. Councilmember Cowden.

Councilmember Cowden: When I was over in this area...and I think that is actually where you live in that general area...it was a beautiful neighborhood...beautiful older houses...I was watching it with an eye for density, because I am seeing houses popping up all over on each other. Will this in any way create more capacity? Is it going to change...like right now, maybe if a lot is not big enough to have two (2) houses really...you could have the right square footage, but maybe the size of the existing house or the way it is placed. I see so many neighborhoods where we have people—three (3) families living in one (1) house. I am wondering will we be expecting other people who live in that neighborhood to feel like it will ruin the neighborhood. What is the down side to this?

Councilmember Evslin: There is no down side. From my own perspective, we are facing a dire housing crisis. Our general plan makes it clear that we should be trying to reduce the barriers to multi-family home construction in which trying to be incentivizing infill development. For me, if someone can convert a portion of their house to a multi-family dwelling unit and provide housing for a family or an individual, that is more important than the potential of additional cars in the neighborhood. To be clear, it is still subject to any provisions for all street parking requirements, still subject to provisions of our sixty percent (60%) lot coverage, so no one can go beyond that, so there should be adequate places to park a car if you need to. Just to give my own example, I have a seven thousand five hundred (7,500) square foot lot, I have the density for one (1) house. I could convert that house to a multi-family dwelling, which I did through an ARU. If I was trying to convert that, if I had the density for two (2) homes, which I do not, I could not have done a multi-family home. We have this weird thing where we are not allowing multi-family homes for people who have the density for multi-family homes. You can only do it with and ARU or an ADU. So I think as the Director's Report says, it is more of a housekeeping amendment to try and clean that up.

Councilmember Cowden: Okay, thank you. Just wanting to make sure it is on first reading not only clear for me, but clear for anyone who might be watching who might be wanting to understand. I appreciate it when we have a galley full of people, because it is not public policy if the public does not participate. Thank you.

(Councilmember Kagawa was noted as not present.)

(Councilmember Brun was noted as present.)

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

Mr. Hart: Just so long as we are not throwing parking out the window. In other communities where this problem exists, they provide central parking. There is going to be a parking problem if this ever happens, and it will...eventually these units will be built, which I think is a good thing, but you are not addressing the parking problem. Then that means down the road someone will have to. I understand we need housing, but I still think you ought to think about the parking problem. I figured that the parking will become a problem within your lifetime. Again, you are going to have to set aside some land somewhere in these high density areas where you have central parking where people can park. Okay, thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else? If not, I will call this meeting back to order.

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

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

Councilmember Chock: Thank you, Chair. I want to thank Councilmember Evslin for introducing this, which is aiming to close the loop on some of these CZO issues that have come up in researching what we are able to change to make it easier.

(Councilmember Kagawa was noted as present.)

Councilmember Chock: I think there is an outcome of this. It makes it easier for us to build a home if someone wants to with the already given right that they have. So can it increase density? Absolutely. Is that a good thing? According to how we plan and allowed for this area to grow, yes, because it will make it cheaper for people to build that home. Does it have an impact? Absolutely. I think as it is it does not make sense to keep it in the Code the way it is right now and I am fully supportive. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I know something that I am working on that does not actually need an ordinance that this might support. There are many houses that at one time held a larger family and there might be one (1) remaining resident left of that family that is in the house, so the ability to put duplexes within that existing structure I think is a really good "win-win." When we think about, does that add density? Not really, if there is a four (4) bedroom house or three (3) bedroom house that once held six (6) or seven (7) people in it. If it becomes an affordable rental

unit or even just an Additional Rental Unit also bringing money into that remaining family member. It seems like that makes a lot of sense, so when I was looking at it, I was also trying to see if that would have any influence or support for that. That does not even take a bigger footprint on the land, it simply creates more availability for people to live in existing neighborhoods. Not everywhere is going to be as fortunate as to be able to get housing units that are funded publicly. When people can help to build those housing units in the more further reaching areas that is supportive.

Council Chair Kaneshiro: Okay, is there anyone else? Councilmember Evslin.

Councilmember Evslin: Yes, I appreciate the dialogue that we had and will have at Committee. I think Councilmember Cowden is correct. When we are looking at these smaller lots with the sixty percent (60%) lot coverage requirement, which is going to include things like driveways, you are not looking at much room for people to try and add on to their house. I think for the most part these will be people like me and what I did, converting a portion of their house into a multi-family dwelling. I understand that means maybe this house went from one (1) or two (2) cars to possibly three (3) cars or something like that. I lived in Kailua on O'ahu and sometimes we had to walk four hundred (400) or three hundred (300) feet from where parked to our house, but at least I had a house. I think for a lot of people a roof over your head is super important and better that they walk three hundred (300) feet than sleeping in their car, possibly. Again, my neighborhood is crowded with cars and it is not an issue at all. Anyway, thank you folks for the dialogue. Sorry, I should just add one more time that this does not change the minimum parking requirements. You still need a permit at those off-street parking stalls.

Council Chair Kaneshiro: Is there anyone else? I want to make it clear we are not entitling anyone to more density. We are basically saying that if the density is there they were being restricted by the square footage of the lot, and now we are saying let us take that square footage restriction out. If you have density for two (2) single-family homes and you have eleven thousand (11,000) square feet, you would not be able to build two (2), you would only be able to build one (1), because you are restricted to a twelve thousand (12,000) square foot lot. Basically, this is saying that we will remove the minimum lot requirements and allow them to build the density that they are entitled to. We are not adding more, we are not giving them or entitling more density, but we are basically making it easier for someone to build if they are restricted by the square footage we have now. With that, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2755) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 25, 2020, and referred to the Planning Committee was then put, and carried by the following vote:

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: We will take a ten (10) minute caption break, right now and we will come back and continue with the agenda. Next up, is the polystyrene foam Bill.

There being no objections, the meeting recessed at 10:17 a.m. for a caption break.

The meeting reconvened at 10:31 a.m., and proceeded as follows:

Council Chair Kaneshiro: Okay, welcome back. Clerk, can you please read the next item.

Proposed Draft Bill (No. 2775) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW ARTICLE RESTRICTING THE USE AND SALE OF POLYSTYRENE FOAM FOOD SERVICE CONTAINERS

Ms. Fountain-Tanigawa: We have three (3) registered speakers at this point.

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2775) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 25, 2020, and referred to the Committee of the Whole, seconded by Councilmember Chock.

Council Chair Kaneshiro: I will suspend the rules.

Ms. Fountain-Tanigawa: The first registered speaker is Dr. Carl Berg, followed by Kathleen Brickner.

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

CARL BERG: Aloha County Councilmembers. My name is Dr. Carl Berg. I am representing Kauai Chapter of Surfrider Foundation today and would like to speak directly to Bill No. 2775, which we support. As our beach cleanup person mentioned earlier, Surfrider Kauai has been in operation here for thirteen (13) years cleaning up the beaches. About ten (10) years ago, we started working on the plastic bag ban bill and we also started working on a styrofoam-free program.

(Councilmember Brun was noted as present.)

Dr. Berg: In the year 2014, this led the town of Kīlauea on the north shore being the first town to be styrofoam-free; all the restaurants and organizations there. From that point, we continued to try to lobby the County Council and the Mayor to get some sort of ban enacted. We are very pleased and we thank the Council for now bringing this Bill forward at which we do support. We have seen over the past two (2) years that all the other islands had finally come up with bills that are in many ways more restrictive than what we are seeing now. We would perhaps like the Council to take a look at what is being proposed and whether we could add more plastic containers into it. One of the things we have found out, one of the arguments that came up earlier, too, was the fact that this kind of Bill would increase the cost of that. Three (3) years ago Surfrider Foundation as a nationwide organization setup something called "ocean friendly restaurants" where we ask the restaurant owners to voluntarily stop using plastic straws, plastic utensils, foam, et cetera. I would recommend that you as Council and the business organizations here go to the website: www.oceanfriendlyrestaurantshawaii.org. In there, you will find that we have a list of twenty-six (26) restaurants here that are certified ocean friendly, but we also have one hundred twenty-one (121) restaurants that are foam-free. Some restaurants did not want to get rid of their plastic utensils for example, but yes, they saw that the environmental damage of styrofoam and the fact that it would not be a big increase in cost to get rid of styrofoam. These are ones that have voluntarily gone forward. I think that the Bill before you now in conjunction with the volunteer efforts of the ocean friendly restaurants will be a big boon.

Council Chair Kaneshiro: Carl, that is your first three (3) minutes. I am going to have ask other people in the crowd.

Dr. Berg: I will come back later, thank you.

Ms. Fountain-Tanigawa: Kathleen Brickner followed by Fern Holland.

Dr. Berg: Kat has left.

Council Chair Kaneshiro: Kat is not here.

Ms. Fountain-Tanigawa: Fern Holland.

FERN HOLLAND: Aloha County Council. So nice to see you folks, it has been too long. Technically, I am testifying on behalf of the Hawai'i Alliance & Progressive Action and we would stand on the written testimony that I submitted to you folks late last night. I wanted to expand on a few things and talk a little bit more...actually, I want to address some of the things Councilmember Kagawa brought up. Councilmember Brun, you mentioned a few things as well that I think are important. Whether the trash would be coming from homeless people or whether it is coming from residents driving by or something, it is all the same source. So if we ban the use of it, whether they are homeless or not homeless, I think the real reality is they are not going to have the access to it and not going to be able to dispose of it improperly. Absolutely, litter is the issue. Littering is the issue regardless. When it comes to larger things like televisions that we see produced with much more styrofoam than what we are talking about, it will be much less likely that it will blow

into the ocean or blow along the beaches because less people are unpacking their televisions on the beaches than eating from this waste that easily spreads around. For me, personally, I was born and raised in Kapahi. I still live in Kapahi. We deal with a lot of rubbish. This is just the tip of an iceberg that we are addressing and I appreciate you folks addressing it. We strongly support this Bill. As an individual I strongly support this Bill. As a restaurant manager for the last eight (8) years, I also strongly support this Bill. We do not use any styrofoam in our restaurant and we are moving away from all single-use plastics altogether. At the start of last year, we stopped using plastic straws. It really has not been a cost issue for us. So I wanted to address that as well. When you talk about the lawsuits, for example, spilling hot coffee on you—one of the remarkable things is that...actually, that famous coffee lawsuit with McDonalds was due to a styrofoam cup which is interesting enough, but the big picture is that there are also all kinds...lawsuits is very open. We can look at that in many different ways. There are many ways to be sued in America, but the reality is that lawsuits to do with the toxicity of styrofoam are probably likely as well in the future because of how toxic styrofoam is. It produces waste not only into the food. In actuality, what we are exposing our people to is bad for our people and also bad for the land. It is bad in the consumption because hot coffee inside of a styrofoam cup actually leaches toxins into the coffee. So a polystyrene is made of many types of styrene and styrene is very clearly scientifically shown to be carcinogenic and highly toxic. By protecting exposure, we are actually protecting our kids and our families, as well as the environment and the turtles, and everything you folks have heard a lot about. I will leave it at that and hopefully you folks have a lot of questions for me.

Council Chair Kaneshiro: Okay, thank you. Is that everyone who registered?

Ms. Fountain-Tanigawa: Yes.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify for the first time? Seeing none. Carl, you can have your second three (3) minutes.

Dr. Berg: Thank you again. My name is Dr. Carl Berg, representing Surfrider Foundation. I just wanted to state that on our website "oceanfriendlyrestaurantshawaii.org" there is a list of all the vendors that you can buy alternatives from and because you have the volunteer organizations now and with the passage of this Bill, you increase the market tremendously. Plus, we have all four (4) islands. I would like to say, Surfrider is the one who sees all this because we do all of these beach cleanups, which we have been for thirteen (13) years. We noted markedly when the bag ban was passed within weeks we stopped seeing the bags on the beaches. The same thing will happen in this case. Last weekend, we had a large beach cleanup here in Lihue and I will present eighty-three (83) signatures proposing the ban or supporting the ban on this. As an organization, Surfrider with the membership of about one hundred fifty (150), totally supports Bill No. 2775.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualī'i: Earlier when you first mentioned the "oceanfriendlyrestaurantshawaii.org" website, you gave a couple of numbers about a total amount of restaurants and the total restaurants that were foam free; can you give those numbers again?

Dr. Berg: Yes. What I was told the other day was that there are twenty-six (26) ocean friendly restaurants on Kaua'i and there is probably a hundred (100) or more on the other islands, but they are all listed on that page. We have one hundred twenty-one (121) restaurants that are on Surfriders foam free webpage.

Councilmember Kualī'i: Thank you. I was going to grab my phone and look at it quickly, but I realized I left it in the breakroom. Thanks.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Carl. We had statements that the single-use food containers from food industry is the one that makes most of the rubbish they are picking up. I just find it hard to believe being that there is so much other styrofoam. They talk about rubbish blowing off the landfill or from transfer stations...we have all of this styrofoam and plastic...look at Costco...look at that line each day...every big item has styrofoam and plastic in it. What is the true percentage or estimated percentage of these litter bugs that are littering styrofoam on our beaches and in the ocean?

Dr. Berg: I think that is immaterial. I think that if you look at who was the biggest styrofoam distributor around—McDonalds, Burger King—they do not use styrofoam anymore, right? They use cardboard clamshells.

Councilmember Kagawa: They can afford to.

Dr. Berg: That argument is not correct. Yes they can, but nowadays...

Councilmember Kagawa: My mom had a restaurant for thirty (30) years, so I think I can speak on it. Do you have a restaurant?

Dr. Berg: Also, what you find and what we gave on our website is a list of all these other alternatives that are equally affordable today. With the economy of scale with all of the restaurants being involved we are going to have a...

Councilmember Kagawa: Carl, again, to see it from the local food "mom and pop" place, we have chicken hekka, we have adobo, and we have other things with gravy. They would love to use those products if it held the gravy properly. When the quality of their food goes down, they will lose sales. When the adobo and pinakbet and what have you, does not taste as good because the gravy disappears into the biodegradable plate, do you not think the businesses should decide for themselves, "How can I make a living?" We are going to tell them they have to use something

that is not ready to hold gravy well, because we say there are alternatives, but if we do not litter, then again it ends up where it should go—in the landfill. A lot of items do not biodegrade in the landfill. So what I am saying is for the “mom and pop” places—this is not McDonalds...we are not talking about hamburgers and french fries...we are talking about local food that you see when you walk through Pono Market—how many items have gravy that do not hold well in those biodegradable plates?

Dr. Berg: Yes, so again, if you would go to our website, the one hundred twenty-one (121) restaurants include many of the “mom and pop” food trucks that are now using non-styrofoam food products.

Councilmember Kagawa: How is the quality of the food?

Dr. Berg: There are products that are out there now, today, that are suitable for that kind of food.

Councilmember Kagawa: Okay, thank you.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: I just called someone yesterday from Kōloa who was trying to eat shaved ice, and not even half way through, it spilled all over him. We are going biodegradable. You talk about your website and studies but how accurate and non-bias are those studies?

Dr. Berg: I am not talking about any studies.

Councilmember Brun: Facts, you said facts.

Dr. Berg: I think one of the most important things is if you look at what Costco is carrying now...and Costco itself is carrying all of these non-plastic containers, like clamshells for example, they see that there is a growing trend and a place like Costco is carrying them, the price has come down dramatically. I think that our shaved ice problem is unique and important and perhaps an exemption should be made specifically for shaved ice, but in general, I think the alternatives have been found in terms of being able to carry that load.

Councilmember Brun: What about saimin from Hamura Saimin?

Dr. Berg: Yes, I do not know.

Councilmember Brun: To me, would you not agree that we should be attacking more of the bigger food establishments rather than little “mom and pop” places?

Dr. Berg: I do not think that we should discriminate and we are not discriminating in this Bill. We are not saying that it is only certain sized places that has to do it. The big organizations like McDonalds have already

done it. Places like Brennecke's or The Beach House have also already done it. What you are seeing is a residue here that we have not been able to sign up voluntarily.

Councilmember Brun: You say McDonalds, what kind of straws does McDonalds use?

Dr. Berg: I do not know at the moment. I do not eat there.

Councilmember Brun: Plastic. What kind of saimin containers does McDonalds use?

Dr. Berg: McDonalds has said that they are going to get rid of the plastic and these companies are already making this move, because it is the right thing to do.

Councilmember Brun: But they did not do it yet.

Dr. Berg: Okay.

Councilmember Brun: They still use plastic straws. They still use plastic containers for saimin. The only changes they made was the hamburger. The hamburger does not have gravy.

Councilmember Chock: Chair, I do not want to get into arguing.

Councilmember Brun: Sorry, thank you.

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

Councilmember Kualii: You had said that Surfrider has been working on this for ten (10) years, so maybe you can share or maybe you have in writing what is different now; how have things improved so that small businesses will have a better shot at making the transition?

Dr. Berg: I think what has happened is public awareness of the plastic problem. From Surfrider, we are talking about the plastic problem in the ocean and the public awareness of the toxicity of these plastics, as was mentioned earlier from the other people; you would have to note that we are the last County in the State to do this. The other counties started at about the same time and were finally able to get legislators in their county councils to agree to this. For the past ten (10) years, there has been a building industry of non-foam products...because of the economy of scale again, more and more groups came in and the unit price went down so there is no longer the big argument of, "Those products are going to cost way more."

Councilmember Kualii: One of the folks from Brennecke's said, "The cost was thirty percent (30%) more." In your website "oceanfriendlyrestaurantshawaii.org," does it share data about cost?

Dr. Berg: No. We do not go into that. In most cases, the restaurant owners do not want to discuss their financial aspects.

Councilmember Kualii: Sure. It is a competitive thing.

Dr. Berg: Right. All that does is give you a current list of ten (10) different distributors in Hawai'i that provide this.

Councilmember Kualii: Maybe as an industry though, you can provide the data on that improvement as far as the economies of scale and how the costs have come down for the alternatives.

Dr. Berg: Yes.

Councilmember Kualii: Not right now.

Dr. Berg: I would suggest asking the Mayor about that being in the industry and the Bill they bring this up, specifically.

Councilmember Kualii: Yes, thank you.

Council Chair Kaneshiro: Okay, thank you. Is there anyone else in the audience wishing to testify? Seeing none. I will call this meeting back to order. Councilmember Chock.

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

Councilmember Chock: If it pleases the body as a co-introducer along with Councilmember Kualii, I would like to at least give some context to why we are looking at this Bill right now. I think it is no secret that I have been trying to get the polystyrene ban on the agenda for the last five (5) years. I think it is about timing as to why it is here, right now. I want to talk about the serious health effects as it leaches into our environment or the fact that it does not break down. I always talk about the fact that this County, this Administration is now poised to look at diversion at a more serious level and that is why I have chosen to introduce it. We all know our landfill is filling up. We have until 2027. This is definitely not the panacea in order to address the filling up of our landfill, but I think that with a series of initiatives, we can look at trying to start the process of curbing some of what is going into the landfill. The polystyrene ban can work very well in conjunction with a few other things and one of those things is to increase composting on this island. I think the Administration and the Wastewater Division is poised to look in that direction. You have heard yesterday that the Administration has implemented a single-use plastic ban. This in conjunction...this is an internal policy that is used for our County Parks and so forth so that when we do get this container that is used—that is

biodegradable and compostable—then it can sooner or later be composted properly, then none of that will go into the landfill. There are other diversion items that we are looking at, Commercial & Demolition (C&D), that is a big percentage that goes into our landfill. These as mentioned are all part of this effort to increase the capacity of our current landfill and to give us more time that is necessary for us to move in identifying an alternative resource as a landfill in the future. Much has been said about the benefits of where this has come...one of them is the economies of scale. We have seen over the timeframe of the last five (5) years that this has become more economically available and that is why we have seen so many transition in the last few years. We have also heard today in testimony that it amounts to almost a twenty percent (20%) to thirty percent (30%) increase, which is significant. It has come down from fifty percent (50%) in the last few years. So what we are looking at...what that amounts to or equals to is anything from five cents (\$0.05) to up to twenty cents (\$0.20) per container. This is something I truly believe can be passed onto the consumer. I certainly would be willing to pay that extra twenty cents (\$0.20) in order to allow this diversion to occur. The four (4) counties have implemented a more stringent...and I want to mention the exemptions. On page 3, 22.5 item c, "Packaging in situations unique to the food provider where there is no alternative to polystyrene foam food service containers provided the food provider applies for an exemption as such exemption is granted by the director." So for those items that are special items that cannot be used any other way, whether it is Hamura's saimin or anything that is specialized such as soup, I would ask that you pose that question to the Administration and how they intend to address that, because I believe this exemption tries to address it. The other thing is why would we do this when there are so much bigger infractions happening? It is the truth. Everything that comes in bulk is an issue, but we have to understand that we are the County-level and we have limited resources and availability to have that kind of reach for that large bulky material that comes in from the mainland. It is something that I have looked into that I think needs to be addressed at a Federal-level in order for us to try and make a change. So, "What can we do" is the question and, "Why would we not do something if we can?" That is what this Bill is for; to do what we can do right now and take a small step. It is part of a bigger diversion effort and I would ask that also, Chair, because the Mayor is taking a proactive stance on it and has implemented the Administrative single-use plastic ban that we might be able to hear from them as to how this might fit in. This has been an effort that we worked with the Solid Waste Division in order to come up with this Bill, so it is supposed to be in tandem with.

Council Chair Kaneshiro: Yes, I am sure we are going to have a lot of questions for them also. Councilmember Kualii'i, then Councilmember Kagawa.

Councilmember Kualii'i: As the co-introducer, I want to say that this is really important to me. I think it is long overdue and in some way or another, this County, along with Surfrider and others in the community, have been working on this for a long time and I think it is an important step and an important start, like one of the testifiers shared. For me, two (2) Hawaiian values that I know the people of Kaua'i and Ni'ihau feel very strongly are *malama 'āina* and *malama kekahi kekahi*, taking care of our lands and our waters and taking care of each other. It is also a public health and environmental health issue. If you think about it, everyone you know hates litter and trash and loves animals and nature, so it is a feel good thing

and I think we should really move forward and get started. I think we will hear from our community overwhelmingly. We have already received E-mail testimonies—one hundred twelve (112) pieces of testimonies: one hundred eleven (111) for and one (1) against. It is hard sometimes because there are always questions about how we are addressing the concerns. I think that is what the administrations before have been working on with Economic Development and Solid Waste for a while now and I think it is time to get started. Thanks.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Councilmember Chock, you mentioned this has been implemented. Has it been implemented on O'ahu or is the due date later?

Councilmember Chock: I believe it has been passed.

Councilmember Kagawa: But it has not been implemented.

Councilmember Chock: Implementation is forthcoming. I think Big Island and Maui have passed the measure and have been implementing it, if I am not mistaken.

Councilmember Kagawa: Honolulu is still being implemented...

Councilmember Chock: It just passed, so I think it is coming in the next year...I cannot think off the top of my head.

Councilmember Kagawa: I thought it was much later.

Councilmember Chock: Oh, theirs is a single-use plastic ban.

Councilmember Kagawa: I thought I saw 2021.

Councilmember Chock: It might be.

Councilmember Kualii: Big Island is July 1, 2019, and Maui's is, January 1, 2019, so they are both in effect.

Councilmember Kagawa: My second question is to either one of you. We have heard from Councilmember Cowden and Carl that our north shore is basically one hundred percent (100%) styrofoam free. Is that not success? What is wrong with us trying to push it to be voluntary, rather than mandatory? Not everyone has the money, like the people on the north shore or people like the Frenchs—the Frenchs are millionaires. My family is certainly nowhere near that. My mom had "Sue's Snack Shop" for twelve (12) years, ending in 1984, her mom had it before that. My grandma was named Sue and it was twenty (20) years previous to that and they struggled. Six (6) days a week, it was open 7:00 in the morning until 5:00 p.m. They were not like Gary Hooser, they paid their taxes. Gary Hooser was chiming in on how people are going to vote here...they pay their taxes...they struggled. It is very hard to make it in the food industry. We have food industry closing left and right on

the west side because it is hard to make money. Look at Waimea Town and how many businesses open and close all the time—restaurants are a good example. You hear one side of the equation—from the rich people—what about the small folks? The quality of the food...when you have something with gravy, like hamburger steak, and when you go home to eat it and it is dry, because it soaked through the biodegradable pack; do you think they will buy the hamburger steak next week? Whereas you have the styrofoam...the quality...you will still have hamburger steak with gravy when you get home. For saimin, I am kind of worried...just because the other islands...this is not “monkey see, monkey do.” What about our businesses? Have you folks talked to the poor folks, the poor businesses, the ones struggling, or are you folks listening to McDonalds and Brennecks? I want to see the outreach done, not just because the other islands passed it that this means it is perfect timing. I am worried for people who are paying their bills and taxes.

Council Chair Kaneshiro: Let us try to do questions. Councilmember Chock.

Councilmember Chock: I like the adobo much like everyone else, so I understand the concern that you are talking about. One of the remedies to that that I have seen work is in addition to some of those gravy plates, they are using this compostable insert that has preserved it. That is what the recommendation has been for these containers. I have talked extensively with some of the providers on the island who sell it all—plastic to polystyrene to alternatives—they say that has been working. I do think though, like I have mentioned earlier, those exemptions for those special items that need to have different consideration and I would urge this Council to have that discussion with the Solid Waste Division on what that would look like. What is the criteria for them in making that decision moving forward? In terms of the cost, I totally get it. I come from a family that is in the food industry for many generations too and I know the costs. For me, this is about a balance of the cost of doing business at this point and what we should be advocating for. When I think about paying ten cents (\$0.10) or twenty cents (\$0.20) more, that can be passed onto the consumer who are willing to pay for that. I think we are at this tipping point and that is why it has taken five (5) years to get to this table that is why we are ready for it. You are seeing we are the last to the table...because everyone knows we can do it. Now, I am open to having this discussion on exemptions. There has been a lot of testimony that says this is too weak already. I do not want to get into this, but I will wait for the exemption piece. We are saying, “Encouraging compostable material as an alternative.” We could be astringent and say you “must” versus “shall.”

Council Chair Kaneshiro: Councilmember Cowden, did you have a question for the introducers? I do intend on bringing the Administration up here for questions. I do not know if you want to address the questions to them or to the introducers. Councilmember Evslin.

Councilmember Evslin: I will address to the introducers and then maybe the Administration can follow-up. It says that, “The Director will furnish a list of available suitable compostable alternative containers by June 1, 2020,” but there is no requirement to use those containers, right?

Councilmember Chock: That is correct. That is something I am trying to surface. That right now is just an encouragement.

Councilmember Evslin: I understand on O'ahu and the rest of the islands—at least O'ahu, which prohibits single-use plastics—someone could make the switch from polystyrene to a single-use plastic container.

Councilmember Chock: Correct.

Councilmember Evslin: Okay.

Council Chair Kaneshiro: Councilmember Cowden, then
Councilmember Brun.

Councilmember Cowden: I have a couple of questions from the perspective of a former small business owner. Councilmember Kagawa, my mother also had a type of food service, so I grew-up in a restaurant. When I looked at this, what I worried about was what if the distributor does not have the product? What I gagged at honestly was the level of fines, when it is one hundred dollars (\$100) for the first violation and it can go up to five hundred dollar (\$500) fines. That made me really uncomfortable. I felt that I would like to see fifty percent (50%) of that fine go to the distributor if the small restaurant holds on to their receipt of where they bought the product, because what can happen is that...what if it is such that we cannot get enough of these containers? That was a piece I thought was important. If they cannot get this container...it can be the distributor is in the position to decide who goes out of business and who stays in business if that is in a shared responsibility. Have you thought about that?

Councilmember Chock: Yes I have. I have been looking at this kind of Bill for some time and I have various iterations. The fine portion was a suggestion and it was sent over from the Administration. They are the ones who will be implementing it and that is why it stands as it is. That question might be better suited for them.

Councilmember Cowden: Just another question to put out there that you might have or perhaps they will have and they can weave it into their discussion. I get when you have a paper clamshell and the fluids sinks into it...that is what tends to happen...the wax paper tends to go on the bottom of that. So it really does hold it all the right way. I would love to be able to hear testimony from distributors to help us have confidence that packaging distribution companies can tell us what and how they can provide it. I think that is a really important piece. I will say, food on the north shore costs almost double what it costs down here. I think the amount of the packaging is just the tiniest piece. We do struggle up there...we are not rich...it is hard. If we were to talk to a packaging company to give us a little information, it might be able to help other people feel more comfortable; is that a possibility?

Councilmember Chock: I am open.

Councilmember Cowden: Alright.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: I had a question for the Administration.

Council Chair Kaneshiro: Actually, I will suspend the rules. I will have the Administration come up and then it will be easier—the questions can go to the introducers or to the Administration. The introducers can ask the Administration to answer, just so we can have answers to whatever questions you have.

There being no objections, the rules were suspended.

MICHAEL A. DAHILIG, Managing Director: Good morning, I am Mike Dahilig. I have with me Ben Sullivan and Allison Fraley, for the record.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: You folks have been fighting for this for a really long time, so you folks are excluded from this question, but when did this current Administration, you and the Mayor, decide to go behind this one hundred percent (100%)?

Mr. Dahilig: As previously mentioned, this has not been an issue that has popped up overnight. It is something that has been in debate in the community for quite some time. It even arose when I was a Deputy County Attorney about eleven (11) years ago when the “Plastic Bag Ban Bill”—that is a tongue twister—was actually brought to the forefront, as well. There were pushes at the time to even include single-use plastics as part of that “Plastic Bag Ban Bill.” So the concept of it has not fortuitously appeared during the period of our Administration, but in looking at the different items that the Mayor has been concerned about when it comes to particularly: one, environmental protection, two, looking at our waste stream, and three, ensuring that we have an environment that is minimized in the amount of toxicity and toxic items that are out there. This issue came to light and we have been engaged in discussions internally with our Sustainability Coordinator, as well as our Solid Waste team. They already had versions of this Bill on the shelf from the previous Administration, but was not necessarily introduced. It came as a consequence of deliberations internally, then at that point we approached Councilmember Chock and Councilmember Kuali'i and took a look at whether or not this would be something that was palatable for introduction to the floor. The Bill has gone through a series of edits and discussions, as well as policy consequences, ups and downs, and that is what you see before you today.

Councilmember Brun: I know we talked about...it would be on a case-by-case basis on certain food products if you would allow...is that the case?

Mr. Dahilig: The question of soup did come up in part of the soft outreach we did to some food business owners. We know that for example, Hamura Saimin uses Chinese take-out containers, which they do not use styrofoam, and they have done that for many years. There are some direct examples of where

you have seen the paper products being used in hot soup type of situations, so that is not something that we felt we would be able to write around to be able to exempt hot soup and start getting down the path of, "Okay, you have to temperature check how many degrees is something before you can say you can use a styrofoam container." We did look at those situations. The other thing that I want to make clear is part of the Bill language, it is specifically just for styrofoam containers. There is latitude right now, within the Bill to look at compostable plastics. Those things tend to be able to carry the liquid and are resistant to absorption. At this point in time, it can serve as a substitute for those more liquid or gray types of food. It is specifically just for polystyrene, not for compostable plastics.

Councilmember Brun: You know that the containers from Hamura Saimin sucks...you folks live around Līhu'e...try driving to Waimea with those things...it ends up in your soda trays, I promise you.

Mr. Dahilig: Yes.

Councilmember Brun: Who will be determining who can get a special...is there any conflicts of interest with the current Administration if they own any businesses?

Mr. Dahilig: If the ordinance does pass as the language is proposed right now, under Subsection 3 of the Bill, there is a requirement that the County Engineer adopt specific rules pursuant to Hawai'i Revised Statutes (HRS) 91. Those rules have to be made through a public rule-making process, so the conversation on the specificity of what is exempt and what is not is going to go through another public process with public hearings and be essentially adopted through that public process. So the conversation will not end with respect to the nuts and bolts of it, but the authorization in the Bill will require within two hundred seventy (270) days that the County Engineer adopt rules through a public making process to actually specify further how exemptions are applied for how you go through the exemptions criteria and how those items are implemented, as well. There will not necessarily be untethered discretion, these rules will actually further refine how that discretion is applied.

Councilmember Brun: As far as the Administration, do we think these food containers are our biggest problem, right now? I am sure we sell more televisions and use more styrofoam with the packing in those televisions.

Mr. Dahilig: Styrofoam is everywhere. The reason why is because it is convenient, it is lightweight, it is insulated, and it is ninety-eight percent (98%) air. That is why you see it predominantly used in many different things, for example, surfboards have styrofoam in them. You have styrofoam, like you said, in packing containers...those "packing peanuts." It is used as an insulated medium also. Those types of things are not going to be addressed in this Bill necessarily, but what we do know is from a consumer waste stream standpoint, when it comes to food containers, there is a very high-volume production of polystyrene usage across the county. Why we are also concerned about it from a waste stream standpoint, as I mentioned earlier, is that styrofoam is ninety-eight percent (98%) air, so when you

are trying to get compaction rates in the landfill to a high percentage, trying to squeeze out ninety-eight percent (98%) air from a polystyrene medium is actually going to be very detrimental to just taking up air space with air in the landfill. That is why we look at this not just as an environmental item, but also as something that we know we are being faced with, running out of air space. If the medium that is being used for food service is more dense and tight rather than being filled with ninety-eight percent (98%) air, that is where we are able to save on the airspace side also. We know that a lot of consumer products do come with a styrofoam, but this particular measure just tries to take a look at when it tends to be a high-volume usage, which are the clamshells.

Councilmember Brun: Did we research any other way to get rid of this styrofoam in the landfill?

Mr. Dahilig: It is one of those things that...and I have been on beach cleanups too...and when you look at what happens as styrofoam photodegrades, it breaks into smaller and smaller parts. I am sure that if someone invented a magnet for plastics and polystyrene they would make "uku bucks" because you would be able to clean this stuff up without having to pick it up little by little. As much as this ends up in the landfill, polystyrene largely does not breakdown without being exposed directly to sunlight. So what you are doing is you are burying something that will not essentially breakdown, because it is not exposed to sunlight. If it is exposed to sunlight, what it breaks down to is problematic, because it does not in effect breakdown to a biological form. It breaks down to a molecular form that continues to remain in food chains. For example, if it breaks down to a molecular item, plankton will eat it, little fish will eat plankton, bigger fish will eat little fish, *ahi* will eat little fish, and that stuff ends up in our own food chain stream. When looking at the landfill in and of itself, burying it does not promote it to actually break down to a part—it just stays there. The gentleman that brought up the 1984 cup, that is why you still see it in intact form, because the natural environment cannot breakdown polystyrene very easily.

Councilmember Brun: Are we confident that the practices we are using in the landfill is the best practice there is out there, right now? Now we are trying to put a band-aid on another band-aid. We know it is not the best with what we are doing in our landfill. It is probably the worst thing out there, right now—how we run our landfill. Now we put a band-aid and we are trying to create something else to take care of styrofoam, because we are not doing good in our landfill instead of fixing the problem one time. Do you know what I mean?

Mr. Dahilig: We do understand that there are operational questions that have been raised concerning our Solid Waste program. That is something that I know the Council is auditing at this point. We are certainly receptive to making the changes necessary to make those adjustments as suggested by that forthcoming audit. That is something I will say we do recognize Councilmember Brun, but when it comes to the other side of the equation, which is the waste stream and what comes into the waste stream...this in an effect is a diversion tactic. Diversion tactics have been used by this Council for many other types of items when it comes to try to control the airspace in the landfill. This is in

that tradition of looking at other diversions, like cardboard, and green waste, et cetera, to be able to preserve the airspace that is there. Whether or not it is the best practice that I should be landfilling things...I am sure the debate is out there, but the debate regarding the new landfill site that we still need to undergo with the Council, that we will bring up before you as part of the budget discussion that is coming up very shortly, but whether or not this is the best practice or not...the problem with this particular type of waste is that again, the landfill does not break it down, whereas you put organics into the landfill, it will breakdown over time. This stuff will not breakdown and that is the problem.

Councilmember Brun: Last question, will the Administration be open to trying this out as a voluntary thing instead of forcing it, or are your minds set for this to be law?

Mr. Dahilig: In discussions with the Mayor...that is why you saw that the Mayor signed a policy yesterday regarding single-use plastics as compared to polystyrene.

Councilmember Brun: I do not read the newspaper, sorry.

Mr. Dahilig: Okay. Just to say that part of what we are trying to do with at least the single-use ban is “lead by example” rather than force that issue on the public. When it comes to polystyrene it is the one element that we think has moved and migrated from a consumer standpoint, as well as a standpoint of equitable products, I guess comparable products that are not as damaging to the environment that we think that policy shift can be moved to a compulsory item in law versus something that is voluntary, like the single-use plastics.

Councilmember Brun: Okay, thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have several questions. The first one would probably be for either Ben or Allison. Being that I live in Kilauea where it is normal, but we do not have any of these products. I am use to seeing the variety of containers that actually do a good job with soup and others. I am wondering if it would be helpful if when we have this as a Committee Meeting item, if you folks can bring in some of those with hot fluid in there...maybe boiling water...because what is really the important thing is when you have a container of soup is how hot it goes right through the container, right? It can burn your hand. So typically, you would have a sleeve around it. There are ways that deal with it. The other thing is a number of these containers have—not plastic, but a fluid impermeable surface—I wonder if we could bring that in so we that we are actually having an informed discussion. Can we bring some samples in?

BEN SULLIVAN, Specialist IV – Energy/Sustainability: We are certainly able to bring in samples. Also, I appreciate your point. I would wonder how challenging it would be to have an informed discussion on the actual characteristics of the property within Council Chambers, but if it is helpful to just put your hands on

some of these items and understand how they work then we can try to bring in supporting literature...that is certainly a request we can accommodate.

Councilmember Cowden: When I hear the concerns, I think that they are very reasonable concerns, but when I see it contrast with actual experience when companies are investing in the right products, the taste of the food in fact improved, right? With the styrofoam in there, it actually seeps a chemical into the food. There is a very noticeable—when you open a polystyrene clamshell you smell the plastic. It is influencing the taste of the food just as much if we take the styrofoam away...at least I will try and do that. I have another question, I think Lyle was probably the right person to answer it...I will ask the question and if we need Public Works to answer it, my question is, "What percentage of our Solid Waste are these packaging?" I believe it is point zero four percent (0.04%), it is not even one percent (1%).

(Councilmember Brun was noted as not present.)

ALLISON FRALEY, Solid Waste Program Development Coordinator: Yes, we did do a waste characterization that actually counted everything and it is a small percentage.

Councilmember Cowden: It is not even one percent (1%), right?

Ms. Fraley: I do not know the number off the top of my head, but it is a small percentage. The issue is that these containers become windblown litter and we have a case study of this at the landfill. We take about twenty (20) bags of windblown litter on an average day. On a high wind day, it can be up to one hundred (100). The majority of that litter is polystyrene and the reason is because it is so light. So if that is what is happening at the landfill, imagine at a beach park where people are enjoying their meals in a polystyrene container that it is likely to get out of their hands and fly out into the ocean or fly out of the trash cans. That is the concern I have.

Councilmember Cowden: Okay. I wanted to acknowledge the legitimacy...if you were to look at a shopping cart leaving the grocery store, probably the majority of what is in there is packaging that is going to go right into the garbage. I definitely honor the concern that is there. I see what we have gone through in the community, making the conscious effort to change the packaging policies, and it is an education thing...as much as anything else, it is community education...it is like learning to wear your seat belt. In my response that I sent to almost everyone who sent this in, yes, I can support this, but we are going after a capillary on our problems, it is not the jugular. This is just a tiny step in the right direction. Managing Director Mike Dahilig, this is going in with a package of much more aggressive efforts, right? To help our garbage?

Mr. Dahilig: You know, that is what I think the strategy that we are proposing is something that is two-fold, again. One, the polystyrene issues as you are seeing before you today, as well as you are mentioning those broader issues that relate to single-use plastics. I think the concern with moving forward with single-use plastics at this juncture, wholesale across the whole island, is that,

one, you are seeing a number of other counties wrestle with this idea. Maui is about to pass a law and Honolulu has already passed a law, but in terms of how they are implementing those strategies, it is hard to say at this time. We want to be able to not run into some of the issues that they will undoubtedly eventually hit, but when it comes to the overall solution of trash, it is how we consume and how we get rid of it. What is throttling the other side of the equation is the question before the Council and the Administration on what to do about when the space runs out in the landfill, right now. We are doing every little bit that we can to try to make sure that air space, that is very expensive, is not unnecessarily used up by practices that will eat it up. Even if it is three percent (3%) to five percent (5%) of the landfill, that still translates to months of air space that we are able to save by making some consumer adjustments.

Council Chair Kaneshiro:

Councilmember Chock had a follow-up.

Councilmember Chock: Thank you, Chair. There has been some testimony and I think it relates to the single-use ban about this Bill and the fact that we are outlawing the polystyrene, but we are only encouraging the transition to compostable alternatives. There have been some testimony in asking us to consider making that more stringent and less of an option. Do you have a response from where the Administration sits on that request...and as I understand it, some of the other islands have gone in that direction and have seen the transition from polystyrene to single-use plastic, basically. What is your take on that and your direction?

Mr. Dahilig: As mentioned previously, I think the concern right now is that there are a lot of issues and flux with implementation. We saw this with the "Plastic Bag Ban Bill" eleven (11) years ago when Kaua'i was the first County to go out with it. Then other counties followed and it required actually a State law to normalize those practices. That is what you see the local governments migrating towards. The reality with Kaua'i is that if we were to move forward with something that was a ban, we would have to have the distribution markets fit our regulations. From an economy of scales standpoint, it is very difficult with only seventy thousand (70,000) residents as compared to a statewide population of one million three hundred thousand (1,300,000) to be able to create the economies of scale where something broader would be able to fit more readily with our economics of how the island operates. What we are doing in the interim are two (2) things: one is the policy and those two things within the policy is one that we do not spend—at least on the Administration side—County moneys on single-use plastics—that is the first thing we are trying to do. The second thing is when we are looking at high volume events at our parks by park permitting or usage permitting, we are including that also as a condition on there. So it is a policy and it goes into effect at the same time this Proposed Bill would go into effect as well. It runs with the terms of the Mayor, essentially. If a new Administration does come in 2022, they can change the policy if they want to, but I think Mayor Kawakami is serious about leading on this issue by saying that before we ask the broader public to change their behavior wholesale, we need to work with what we have within our County resources, as well as our practices with using our County facilities and have that be a template for looking at single-use plastics and our behavior.

Councilmember Chock: So to confirm, you prefer the current language rather than something more direct.

Mr. Dahilig: At this point in time, yes.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: I do not want to get too far along the line on the Mayor's proposal, I think we are going to put it on the agenda to come up to get more clarification on it. I do have some questions. As far as the prohibitions, prohibition "B" says, "Polystyrene foam food service containers shall not be offered for sale or sold in the County." So that means Costco and Hopaco cannot...there will be no foam containers sold at all.

Mr. Dahilig: That is the language, yes.

Council Chair Kaneshiro: How much outreach has been done on that? Again, I am thinking of people that drink soup. Our family drinks a lot of soup. We provide soup for a lot of parties. What is the alternative? It is the same concern Councilmember Cowden had and this is not only affecting restaurants; it is affecting residents and what they are putting their food in.

Mr. Dahilig: We understand that. That is the intent. In terms of looking at how progressively this is going to affect behavior, we do understand that these establishments that actually sell the packaging for their usage either by families, events, or by the business community. Looking at it from a supply chain logistics standpoint, this is a necessary component to ensure that the effect of the polystyrene ban is implemented rather than just doing it at one level, which is just at the food service point.

Council Chair Kaneshiro: There will need to be a lot of outreach, if this passes...every single store on the island that sells foam plates or whatever. To tell you the truth, I do not know exactly what is a foam plate or a plastic plate. I know Costco sells plates by one hundred (100) or two hundred (200), is that foam or plastic? I do not know. I know Times Supermarket sells plates, are they foam or plastic? I do not know what it is.

Mr. Dahilig: Ultimately, it is going to be dictated by the consumer market and what is made available. There are a lot of things that are already not available by either Federal or State law that are in certain supermarkets or in the general commercial market. The alternatives that are out there can be made as offerings for sale by places like Costco, Times, Longs, or CVS. They can stock the alternative goods to make it available for sale, they just cannot offer polystyrene for sale as proposed in this measure.

Ms. Fraley: I just wanted to add that there are many vendors that are very educated about this. We do plan to work with all the vendors to educate them. It is possible to do that outreach within the timing of the Bill to make sure they are ready.

Council Chair Kaneshiro: Yes, just because it is a complete ban on all foam products in stores...all food serving products. Councilmember Cowden.

Councilmember Cowden: This is a follow-up on that. It is important to me when we put out bills that we talk to the affected people before first reading so that they can come in and speak. Have places like Costco and...I do not want to start, I should not have even mentioned that name, but distributor companies that bring these. I will say, Koa Trading...the different ones that bring out these...have they been consulted and is this something that they can push and move forward with?

Mr. Dahilig: To be candid, the focus on the outreach has been with the food service industry because they are the end-user of these items. The distribution chains, for the most part, are only going to provide what the end-users are going to be demanding. So if that was an expectation that we should also look at the supply chain logistics and actually go all the way up the chain in terms of consultation, we can do that, but I think the real rub with the end-user consumer really happens at that bargain for exchange with the food service counters and that is where we focused on.

Councilmember Cowden: Thank you for that and I am going to suggest that we focus a little higher up the chain, because having been a small retailer for a long time, I know when there is a shortage of surplus that suppliers are going to go for their number one customers or the ones that they like best. It is just how it works out. I am hoping that this change happens nationally. When I have done some international travel, I see that we are really behind the curve in terms of how we create waste everywhere. It is not the case in a number of other countries. As this pushes up, that distribution chain takes some time and the people who make plates and the companies who makes plates and cups, it is going to go to where their primary customers are. If you look in a store like Foodland, you can hardly find organic products anymore...it used to be easy. I asked them, "Is it because the small suppliers are getting all that inventory?" We are maybe going to find that while this has been a boutique product and it becomes the norm...that is why when I look at page 3, if you do not mind looking at page 3 of the Bill, when I am looking at enforcement and penalties with a fine of two hundred and fifty dollars (\$250) for a first violation—when you pick up that cup of soup, do you turn in the restaurant? Who turns in the restaurant? Do we use our enforcement for liquor control? Would they go around looking to see who is violating the styrofoam ban? I am wondering where it comes from. That is why I wanted to push up the chain. In fact, I will do this next time—I will create an amendment that has fifty percent (50%) of that violation to go up the chain to whoever was the supplier, provided that the retailer keeps their paperwork of where they go it, because we are going to end up having it be that the supplier can decide who stays in business and who goes out of business, if they cannot get enough of the right paper cups and pieces. I am fully behind the intent of this Bill and I just cannot help but look at it as a small business person. How do we keep it fair? Especially, when the bigger contributors to the challenge are not the person who leaves with the styrofoam cup. I want this to pass. I want it to be something that we do not shutdown restaurants over, not because I am worried about the twenty cents

(\$0.20) or the five cents (\$0.05) that it cost to buy the piece, but just the access to the product.

Mr. Dahilig: I will say Councilmember Cowden that we do have a template for how a product ban has in effect rolled out in the County. When we did do the "Plastic Bag Ban Bill" and it passed, Allison was in charge of enforcement at that time and not a single person has actually received a fine from the County, and you saw the adjustment in the behavior because it was just general respect for what the intent and the policy of the law was. There were warning letters, and that is actually required under HRS 46-1.5(24), that you actually have to give a warning first before a civil fine can be levied. So that is going to be the practice in the Administrative standpoint. There is going to be a warning letter issued first, but what we were pleasantly surprised with was the reality when you looked at the plastic bag ban, not a single fine was actually issued. People actually adjusted their behavior over time and then you are looking, now predominantly across the County, that you do not see these items anymore.

Councilmember Cowden: I would say that my observation in which English is a second language, those businesses are the ones that are most likely to have the styrofoam cups and plates. I would like to see that we make sure we do an outreach to the second language English businesses, because sometimes they do not know who is running for office or that there is even a County Council or anything like that. So for them to be reading the paper or to be able to understand it, I think we really need to work hard to be inclusive so that this is not a punitive process and that this will be an empowering that helps all of our health.

Council Chair Kaneshiro: Is the intent to pass this Bill prior to the date of when alternatives are going to be provided? Right now, the Bill says, "Alternatives shall be provided by the Director by June 1, 2020." Is the intent to pass this Bill prior to us even knowing what the alternatives from the Director are?

Mr. Dahilig: The effect date is January 1, 2021. We know what the universal alternatives are out there and I think that was part of what Councilmember Cowden was bringing up, whether samples through the deliberative process here at the Council can be brought in. The universal alternatives is not unknown. Part of what is also required in the Bill before the effective date is that the rule-making process has to ensue. The rule-making process will undoubtedly be brought up at the discussion of what specifically are or are not the alternatives that can be put on the table. The Council's prerogative can be to prescribe the alternatives in the legislation, but we suggest that may be a cumbersome process given the wide variety of different things that are out there. The list as alternatives that you see in the language is meant as an informative campaign as a way to try to get the message about it out and make a very firm commitment in the law, but not necessarily to be exclusive and limiting to only those things, but rather to be educated in general.

Council Chair Kaneshiro: It says, "Suitable compostable alternative." Some alternatives might not be compostable at all, right?

Mr. Dahilig: The compost ability is a wide range of things, but if you look at what the law specifically raises is what, according to the ASTM standard that is out there, which is a widely-used standard across the globe when it comes to the molecular makeup of the things, those are the things that we are going to be looking at what the definition of “compostable” is. There is a wide variety of items that fall underneath that particular standard and that is what we are going to be looking at when we come up with that list, if this law passes.

Council Chair Kaneshiro: I know Councilmember Brun brought up McDonalds that their saimin container is foam, but if I look at it, McDonalds will be able to continue to provide saimin in that foam container if it is shipped in from somewhere outside of Hawai‘i.

Mr. Dahilig: The last time I ate a McDonalds saimin was about three (3) weeks ago and I do not recall that being a styrofoam container, it was a plastic container. The intent here is that we do not want to ban Cup Noodles. The Mayor wants to make it very clear that we are not intending in the proposal of the measure to ban Cup Noodles, because everyone loves Cup Noodles, but that stuff should not be prohibited from an interstate commerce standpoint of being able to be shipped into Hawai‘i. Again, the intent is if that is the original packaging of the food, you should be able to have your Cup Noodles.

Council Chair Kaneshiro: It is just an empty foam container that cannot be sold on Kaua‘i.

Mr. Dahilig: Again, going back to what Councilmember Cowden did mention, that is why we were looking at the consumer point where you are looking at the bargain for exchange at the food service counter. In order to cook something and put it into something that is a secondary packaging item for them to sell—that is where it is, rather than it being a primary sale item like Cup Noodles.

Council Chair Kaneshiro: Yes, I know moving forward I am going to be really interested in the alternatives and the cost difference, whether it is plastic or compostable. Again, we live on an island where cost of living is always brought up.

(Councilmember Brun was noted as present.)

Council Chair Kaneshiro: ...the cost of housing, the cost of living, and then if we are coming in here and increasing the cost of living for restaurants, increasing the cost of living for consumers, then it kind of goes against what we have been fighting for, which we have been trying to reduce the cost of living on Kaua‘i. I would be really interested in knowing what these alternatives are and what the cost difference is. I have talked to a few restaurants and asked, “Do you know that this is coming down the line?” None of them knew. I asked them, “What do you think about changing to a different type of material?” They said, “It is all going to cost us more.” How will it affect their overall business? I cannot say, I do not know what their numbers look like, I do not know what their financials look like, I do not know what the demand for their food is. Again, any cost on the island—it is going to affect the businesses and ultimately customers also. Councilmember Kagawa, then Councilmember Evslin.

Councilmember Kagawa: Solid Waste is partly involved in supporting this. I do not have to mention that the plan is to ban styrofoam and enforce this ban. For me, I just got a call last week, and they wanted to remain anonymous, but he said at the landfill the last big break on the equipment was done on purpose.

(Councilmember Chock was noted as not present.)

Councilmember Kagawa: The machine did not have oil. He drove it anyway and it broke. But he did not get into trouble because the manager is his friend. I was thinking that we were talking about how the styrofoam does not compact, but if we are not going to do better to compact our rubbish, the way that it should be done, and we are going to take it out on the food retailers and tell them, "You need to help us so the rubbish compacts..."

(Councilmember Chock was noted as present.)

Councilmember Kagawa: To me, we are doing "hara-kiri." If we do our part at the County end and propose these types of changes, then I can support it. But when we do not get our act together and impose all of these changes, we will get nullified by the mistakes we make on a daily basis. I would say, if you can commit that we will get our act together, we will start to help curb litter by doing things that are helping to create litter by not picking up rubbish on time at the beach parks. I have a hard time imposing more things on the public. I want to see the County lead not only by our mouths, let us lead by our actions, then I can support it. I can support making big changes, but if we just impose things on paper and threaten people with fines, we are not going to do our part. We should not just weed-whack, we should rake up all the rubbish around it, too. Let us commit to a "win-win" for the public. I can stand behind a Bill like this because I know I am on the short-end of the stick. Maybe we can work together with better amendments that can address...so I can enjoy my hamburger steak. So far, this is why I made such noise—I apologize to Councilmember Chock and Councilmember Kualii—but so far, my experience with the biodegradable containers...I do not eat a hamburger...I am going to eat something with rice and gravy—it has not been good so far. When I heard from the City and County of Honolulu about passing the Bill, they said they were catching some gas from some of the "mom and pop" places, because they were worried about that same problem and the cost is a lot more, about five cents (\$0.05) or ten cents (\$0.10) more per container...they were more worried about the quality of their food. Once that customer comes and does not have a good experience with it, that is a huge loss of revenue, because when we find a good place, like all of us and what we do, we go back over and over again, right? That is my concern. Like I said, I think it is a good Bill. The intention is really good. Carl folks worked hard...look at what we teach our kids and families...you go to the beach, you pick up your rubbish, and you pick up rubbish around you...just like the commercial with the Hawaiian man and the kid...if we can curb litter, I think that will help, too. Let us curb the litter, plus pass this, and I think we will be in a better place.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Just to be totally clear, on the list available of suitable compostable alternative containers, there is zero requirement to use those containers, right? Someone can use a non-compostable and non-biodegradable single-use plastic, if they choose.

Mr. Dahilig: Given this language in here, right now, yes.

Councilmember Evslin: For the other islands, I know the City and County of Honolulu included single-use plastics in theirs. For Big Island, they passed something, right?

Mr. Dahilig: Big Island is polystyrene, right?

Councilmember Evslin: Sorry, for the other islands, Maui and possibly Big Island, did they include single-use plastic in theirs?

Mr. Sullivan: My understanding of Big Island's bill was that it banned polystyrene and allowed recyclable plastics or compostable. It did not define recyclable plastics beyond just the term. It was not necessarily locally defined. As you know, the Solid Waste Division is able to recycle number 1's and number 2's, here on the island due to scale issues, and not do the other number 3's, number 4's, and number 5's. With the Big Island Bill, they did not take that into consideration.

Councilmember Evslin: Do you folks know—I know Chair Kaneshiro asked for it and I asked the other person testifying earlier, but do you know the cost differential between polystyrene to the single-use plastic to compostable, say for a clamshell or a plate?

Mr. Dahilig: It is cents on a dollar. The gap between the two has dramatically decreased over time. As the consumer market is forcing the innovation, you are seeing that things that are in a comparable price point are getting to that differential where you are talking about cents. Allison can jump in here, too.

Ms. Fraley: It depends on how much you order at once, right? Also, what you are comparing, because you could be comparing a really fancy sturdy container to a very flimsy container, so it is hard to get those comparisons. From what I have heard, that thirty percent (30%) figure that Hoku brought up is probably where we are at right now; but as Mike said, it continues to be a smaller difference between these two (2) items as the compostable becomes more sought after by the consumers and restaurants.

Councilmember Evslin: So thirty percent (30%)...you are looking at possibly ten cents (\$0.10) polystyrene to thirteen cents (\$0.13) compostable.

Ms. Fraley: We can get you more information if you need it.

Councilmember Evslin: Okay.

Ms. Fraley: It changes all the time—that is the issue. Maui did a big study on it when they were going through their legislative process. They had a task force that worked really hard, but it changed over time, even during the task force.

Councilmember Evslin: Yes. I will talk more in discussion. My only fear is that if we are prohibiting polystyrene that we are just going to shift that for many places to a single-use plastic. I guess, if that is the outcome, that say some of these places have half order them, is single-use plastic better for our landfill or the environment than polystyrene or are they basically equivalent?

Mr. Dahilig: I think when we are looking at it from those three aspects, when we are looking at it from a landfilling element, a waste element, and also from a toxicity element, it is like you want something “char” or you want something “slightly charred.” I think that is kind of the comparison. In a perfect world, you would like to consume things and not have an environmental cost. I think that is an objective for some out there in the community, but the reality is, at this point, the Mayor is focused on supporting incremental changes where we can be able to make the adjustments necessary without necessarily facing a roadblock that we do not see. Again, given his business background, what he is concerned about is making too large a change, the consumer market will not catch up to the reality of what the law is. That is where I think the “wait and see approach” on the single-use plastic may end up being resolved by the legislature itself or it could be adjusted by further ordinances from the Council. But we believe this is a great first step in being able to address this at least, which is a distinct definable issue.

Councilmember Evslin: Do the City and County of Honolulu and Maui allow commercial food waste in their landfill?

Mr. Sullivan: Do they allow commercial food waste?

Ms. Fraley: In the landfill, yes.

Councilmember Evslin: They do, so both of them. What happens with a compostable alternative or biodegradable one that ends up in the landfill, as far as, does it compost in the landfill?

Mr. Sullivan: As you probably know, composting requires oxygen, so in fact, I think it would anaerobically decompose in the landfill, but I would be reluctant to say more because I do not have that expertise.

Ms. Fraley: The goal would be...and there is legislative proposals right now at the State legislature for tiered composting and allowing more food waste into composting. Ultimately, the goal would be that if we were having restaurants use compostable containers that at some point here on Kaua‘i, we would have composting facilities that could handle that material and that they could be composted and would not end up in the landfill—that is the ultimate goal.

Councilmember Evslin: Thanks. Last question, do you know off-hand how much of our landfill space is food waste?

Ms. Fraley: It is ten percent (10%). It is much lower than other municipalities. We do not know why, but we recently did a waste composition study and it was a lot lower than we thought it would be.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Sorry, what was the question on that? Ten percent (10%) of what?

Ms. Fraley: Food waste that is in the landfill.

Council Chair Kaneshiro: Food waste in the landfill. Councilmember Brun had a follow-up, then Councilmember Cowden.

Councilmember Brun: Mike, since the Mayor is not here, I was not going to ask, but I know you brought up his business background—do you know if...I do not think they own any restaurants anymore, but when they were doing restaurants, did they implement this ban of styrofoam on their own or did they go to this? Do you know off-hand? If not, that is okay, we can ask him next time if he is here.

Mr. Dahilig: It is a good question. I can ask the Mayor. I do not know off the top of my head.

Councilmember Brun: If he did it on his own...because he is in full support of this now.

Mr. Dahilig: Okay.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: When we are looking at this, what I would like to see when we are having some comparison of information, I think it would be a lot of value to just have a comparative of the (inaudible) that goes into the food...the health affect...we are talking about the health effect on the environment. But there is a health effect especially when you eat hot foods and hot greasy foods in these containers, we are consuming something that is less than ideal for our own health. I know you can see how much plastic we get from eating fish. For me, I care about everything you are saying and when I look at that point four zero percent (0.04%), I feel like we are looking at the tip of my pinky fingernail in terms of all the landfill that we are getting, but I care about the human health impacts. I would like to see a little bit of information on that. I think the pigs is why we do not have the composted food. With most restaurants I know, someone is fighting over who gets the food for their animals. I had one other thing, but I will let it go. I feel that we want to be really careful on our businesses on how we do this, so when we create a quality comprehensive ordinance, that is does not hurt our businesses, it helps our businesses. I think this can be changed to adapt to be a "business-builder," not a "business-loser" for getting people to come. Like when

someone hands me a plastic container for my food, I understand what that means and I think that it will be an asset to providers that put it in the right place.

Council Chair Kaneshiro: Are there any other questions from the members? If not, I know this is only first reading. I know there is going to be a lot more discussion in Committee. Again, from my perspective, I do want to see the alternative products and the cost on it. Of course, I think you heard it loud and clear, I think our biggest concern are hot liquid products. How do you contain those types of food? What is the additional cost that it is going to take? Are they going to be buying a different container that costs more and wax paper that they have to keep putting in, too? I want to know. Obviously, we will hear from more restaurants about it, but just off-hand from the ones I have heard of, obviously they do not want to switch to a different product that is not going to be as good as the one they are using now. Then, we heard a lot of testimony about saving space in the landfill with this Bill, but I thought I just heard that biodegradable plates do not decompose in the landfill. So we really would not be saving space unless we had a composting program, which we do not have, right now, right?

Mr. Dahilig: The difference is polystyrene by nature is ninety-eight percent (98%) air, so when you get to a compaction rate when you are actually running the compactor over it, if something is a solid material versus has air in it, that air is not being squeezed out as efficiently rather than having something as a solid dense mass. Again, it is a bit of a trade-off, but the reality is we do know polystyrene, specifically styrofoam is advantageous, because it is light. It is light because the vast majority of that material is air.

Ms. Fraley: So, compaction is an issue, but also, of course, if we could divert that material from landfill that would be the best.

Council Chair Kaneshiro: Okay. For me, I want the facts on the table, because we received a lot of testimony and I received testimony that said, "Yes, we agree with banning all plastic." But that is not what this Bill is about. Then, you have people coming in and saying, "Yes, we are going to save all this space in the landfill." Then, you find out it is only less than a percentage of the waste actually going into the landfill. We find out you are only going to save whatever difference in compaction versus biodegradable. I think those are all things people need to consider, so I appreciate that information. Are there any other questions from the members? If not, thank you. We did take public testimony already. Is there any final discussion from the members? Councilmember Kagawa.

The meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: Thank you, Chair. I will be supporting this on first reading. I am looking forward to any amendments that perhaps could help keep the quality of food that has things like gravy...soup...Japanese call it "shiru"...but again, my mom and grandma had Sue's Snack Shop in 'Ele'ele Shopping Center for over thirty (30) years. They are two of the hardest working people I have ever seen and they did not get rich doing it. It was very hard work. A lot of friends who were regular customers that kept coming, and probably helped to get me elected...there were so much

people coming through that restaurant while I was a youngster...but it is irrelevant. The fact of the matter is that we are picking on...we have so much testimony saying, "This needs to be done, it is going to save our waste stream, it is going to save litter," but it really is not. It is picking on one segment of our business, which is the food industry...the take-out places mainly. I feel for the ones that are really struggling to make ends meet to survive. Hawai'i is considered the toughest place to do business in the world, or in the United States at least. Definitely, when we are saying we are going to mandate that they use a higher-priced item, it is going to put more stress on our small businesses—the "mom and pop" places. I am not talking about the millionaires that have a lot of collateral to back these things up, but I am talking about the ones that are struggling and trying to save money so they can send their kids to school for thirty thousand dollars (\$30,000) a year in college. Again, a lot of stress put upon those, just the food take-out segment industry. I am concerned. Other islands have taken a step to move forward and it does ask for a healthier environment, which is always important, but it is not a "slam dunk." It certainly does not provide a lot of things which the testimony is saying. Again, I think we need a more holistic type of approach in legislation that would truly look at diminishing styrofoam, plastics, and what have you in our beaches and in our environment. This is a small step and that is how Councilmember Chock described it, "It is a step in the right direction." I am looking forward to more helpful amendments that can support the struggling businesses out there that provide a lot of happiness for us. When we spend our money and eat at places using your hard earned work money and enjoying...for that day, you do not have to make your own food...enjoying something we cannot replicate. A lot of these foods are so *ono* that we cannot cook it, we need to buy it. I want to thank our "mom and pops" out there, not the big McDonalds. I do not eat there. I am not ashamed to say I just eat at local places, I eat local food—that is where I spend my hard earned money. Thank you, Chair.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: I want to thank Councilmember Chock and Councilmember Kualii and the Administration for all the work on this Bill. I understand some of the challenges facing us. In my own company, we build outrigger canoes and those things are the worse environmental offenders on the planet with what is in there. There are foam cores...styrofoam...and epoxy. We once spent six (6) months working on a green canoe, which we were super proud of. We used paper pulp epoxy, cork core, and hemp fiber and we built this canoe in which we were like, "Yeah, we did it." It was barely heavy and it looked beautiful, but the problem was two (2) months down the line, it started to decompose. We had to make the decision as a business, that we were making canoes that had to last for generations—that was our high quality product. So, we totally abandoned the green canoe concept. The problem within the materials we used is that they last forever. One day, these materials are going to break down into many tiny pieces and cause similar problems to what we are talking today. I think that we are obviously facing an enormous problem with plastic waste and the fact that this never goes away—it just gets smaller and smaller. I just read that we each ingest a credit card's worth of plastic every week just from the food we are eating. Plus, I spend a lot of my time down at beach parks and if you look at our sand, it is just crazy how much plastic waste there is. If you go up in the mountains where people hang out, there are styrofoam containers and plastic there as well. When we look at food waste

we are talking about enormous amounts of landfill space for items that can be composted. We are looking at methane emissions, driving climate change, on and on. I think with all of that said, I do think this is a good step. It is an incremental step, it certainly does not get at the whole problem here. I think of it more as a “three-legged stool”—we have polystyrene, single-use plastic, and food waste, and it is important at some point to be able to address all three of those, so when we are throwing away our compostable product, it is being able to get commercially composted and reused. Then, that will save restaurants money because they are not paying to haul this to our landfill. It creates alternative businesses that can sell compost on and on down the line. Obviously, there are so many hurdles to get there and I know that the State is working on things to try and incentivize commercial composting. With all the steps we need to do to get there, this seems like a decent first step for us. My one big fear is that without including single-use plastics, it might create a bigger problem, or at least a separate problem. My final point is that it is an incremental step...there are so many other bigger problems. If you look at Costco, they are the biggest offender as far as styrofoam and waste of packaging space. As I understand, there are some Federal legislation talking about how things are packed. I think we have limited abilities to try and tell Costco, “Stop using styrofoam or packing this tiny little thing in a big package.” But hopefully the ball is rolling and this will start happening on a Federal-level. We have a responsibility to do what we can in our narrow perspective as a County and I think are one of those things. Anyway, I am excited to get to Committee and I am sure there will be more work to be done on this Bill.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: Yes, I am also going to support this Bill on first reading, as well as on second reading, I am sure, but there are things that I want in the meantime. I recognize that the global trend is moving in the right direction. I think America is behind the norm and certainly Hawai'i and Kaua'i are behind what we are seeing even in many different communities across the United States. I am in agreement this is a small step in the right direction on a big problem. The big problem is all these plastics that we are talking about in the shipping, in the landfill—it is almost hypocritical to pick on this small area, but it is a conscious part that fits into everyone's mindset and this is an important step for keeping the rubbish off the beach. I live in a community that has successfully made the transition. I know it is not painful and it is not hard. There are insulators that go around both the hot soup and the shaved ice containers. As businesses learn how to put them in the right containers in the right ways, it will work. I think it is very important to partner with business. I always prefer to be a partner with business, rather than have punitive policy. I think that people live in fear of the government and quite a lot live in fear of the County government—that makes me very sad. I think all the individuals in County government are not intending to hurt people. A lot of times, it comes from not enough information on our part. I would like to see us bringing partnerships in. I am going to honor the Hawai'i Tourism and Lodging Association for the many ways that they are making big sustainable efforts and moving away from having the individual plastic shampoo bottles and things like that—so many ways that we can make that work. When we look at the cost of the packaging, it might be...even if it cost a quarter, if you are looking at something with an insulator on it, compared to the overall cost of the meal, that is minor—twenty-five cents (\$0.25) is a lot to pay for packaging. Most of them cost a dime or ten cents (\$0.10)...some are

three cents (\$0.03), but as a percentage of the overall cost, it is not what doubles the cost. When I said food on the north shore costs so much more than the rest, it is because you are working at twenty dollars (\$20) an hour...is it what you are paying your counter help...and our rent is expensive, so it all gets washed into the mix. I want to thank the people who pick up the garbage off the beach who sit there daily and deal with it daily, spend their own money and their own efforts flying over to negotiate legislation on O'ahu. I am thankful that we are the last County in this case, because what I know with that is distribution, as it comes to Hawai'i, will be ready to be providing this or at least their whole intention will be there to be providing it. O'ahu coming on board is going to shift Costco and big providers towards thinking about how they are going to shift. This is a grassroots change and I honor the Mayor's Administration for working on single-use plastic. You folks have been seeing me with this plastic water bottle because I am hurt, and as for the topic, I have been using the same bottle for the whole two (2) months of my injury. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

(Councilmember Kagawa was noted as not present.)

Councilmember Kualii: I want to say that I am hopeful for this Bill. I think as we work on it in Committee, I am hopeful that we will end up at a place where we will have unanimous support for this Bill and that we will get there with input from the community. I am looking forward to input from the business community. I did talk to the Chamber and they are developing their official position, so we should be hearing from them. I am hopeful that these alternative containers have been getting better and cheaper, so we are at a place today that we were not at five (5) or ten (10) years ago. Our community has been patient in working on this and I appreciate everyone's efforts for sticking with it—when partnering with business—that is why we slowed down. That is why it has taken five (5) or ten (10) years, because we wanted to be more compassionate and understanding. We wanted to work with the business community and I think, now we have a business man as Mayor. The Mayor is on board, we have moved slowly and I think we are getting to that place. I am hopeful that all of you will see that by the time we get to final reading of this Bill. I am hopeful for a 7:0 unanimous vote. Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Chair. I want to thank my colleagues and the Administration for entertaining this and hopefully getting it passed on first reading. I do think there is a lot more discussion ahead for us on this, but I am generally pleased with the outcome. I think, at least for me, I have done the research, I have talked to the suppliers, the distributors, the restaurants, and there are challenges on all ends, but I think this is on the middle ground for us to move forward. As it relates to the single-use plastic ban that the Administration...I think it is a good step that works in conjunction with this. When polystyrene is banned from this Council, they will not all go to single-use and some will not be able to in some of the types of products that they use.

(Councilmember Kagawa was noted as present.)

Councilmember Chock: I think the incremental change approach is going to be the right direction for us. Once we can experience it the County-level, then we can...once it can move to island-wide...then this can become stronger. I support the discussion at the State-level and Federal-level. If any one of my colleagues wants to put a resolution out for it, I would support it. But this is what we can do here. For me, it is not so much about the visitor experience as they walk down the beach or our local residents who have been here for many years, or the businesses—this will undoubtedly affect my own family who is in the food service industry. For me, this is about *aloha ‘āina* and there is a cost for it. I am willing to pay that twenty-five cents (\$0.25). Honestly, I would pay more if that is what it would cost. Again, I look forward to this discussion. I think when you go out and talk to these vendors and restaurants, you are going to see those who have transitioned say, “This is no problem. I can do this. It is not a cost. I have already figured it out.” Then you talk to those who are unwilling to or have not made the change they are going to say, “No ways in hell I can do this.” But I think the exemptions that we have created here are the right steps. I am willing to look at amendments as it relates to the exemptions, but I think we do have good Bill here so far. One more thing is the point zero four (0.04), I know it has been brought up and this not being the focus. This is the first step in what I hope will develop into a countywide composting program and without this it will not work. We are already looking at sites. The Wastewater Division is already looking at being able to compost. This will help that. Again, this is part of a small piece of something much larger that we can contribute to. The point zero four (0.04), when we did this study we looked at materials that we could actually see. Some of this stuff, in the sludge that we have at the landfill, you cannot even discern what it is, so I think that number is much higher, not to mention some of what Allison is saying is being blown around up there. Anyways, thank you, Chair, for entertaining this and I will be supportive of this measure.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: Sorry, I just want to clarify the point of my story about the green canoe. As I was thinking about it, I realized it came out as saying, “I want to build this product that lasts forever.” But we should not use that for food products. The difference is that if we are talking about a styrofoam plate or a clamshell container, those by nature are products that are meant to be used only one-time; whereas, if we are building a surfboard or plastic bucket, the longer those last, the better, because the less times we need to replace it. There is a place for single-use plastics that possibly last for a long time, but when we are talking about plastics that last a long time, we are talking about single-use plastics in a food container, then I think it is very important that we are talking about things that will decompose.

Council Chair Kaneshiro: Okay. Is there anyone else? For me, of course I will be voting for it on First Reading. We have a lot of questions when this Bill goes to Committee as far as alternative solutions, like where are the costs—to me, that is the most important part, to represent the community that is not coming out here to testify. People in the community that are actually working and serving food right now probably have no clue about the Bill. They probably do not know anything about the Bill unless we actually go and talk to them. For me, I think as a Councilmember, we need to represent that minority and understand how it is going to affect them. Also, the

residents need to know that there is going to be a change. You are not going to be able to go to Costco and buy those big bags of disposable plates. You are going to have to find an alternative, if it is paper plates and what that cost is. Soup bowls—I do not know what residents will do for a different type of soup bowl. Again, I think the information needs to get out there and people need to understand exactly what the Bill is and what it tries to accomplish, because I know there is misinformation out there about this Bill banning all plastic...this Bill will save a lot of space in the landfill. I think there are a lot of things that need to happen for it to actually save space in the landfill. We need that composting project—we do not have that. Speaking of the landfill, recycling in general, I have no clue where that is heading. Plastic bottles, aluminum cans, cardboard, and all of those products that China was taking, if they say they are not taking it anymore...as much as we talk about recycling, what are we going to do with those products? Those products might all have to end up in the landfill or we need a different solution. I would love to have H-POWER (Covanta Honolulu Resource Recovery Venture) or something like that, where we could generate power in a furnace, but obviously a lot of people said we have a critical mass issue—we do not have enough mass. If you look at O'ahu, they could barely fill their H-POWER and I believe for a while they were getting audited and they were losing money because they were not filling their H-POWER contract. If that is O'ahu, you can just imagine how much trash they generate. The landfill issue is going to be a long-running issue. As much as we love to say recycling is great, I do not know if we are going to be able to recycle in the future. Those are just some things to consider as we move forward. With that, we will take a roll call vote.

The motion for passage of Proposed Draft Bill (No. 2775) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 25, 2020, and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	Brun	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) no.

Council Chair Kaneshiro: Okay, next item.

BILLS FOR SECOND READING:

Bill No. 2768, Draft 1 – 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 Kauai, Applicant*) (ZA-2020-4): Councilmember Kualii moved to approve Bill No. 2768, Draft1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Kaneshiro: Do we have any questions from the Administration currently on this Bill? I will suspend the rules.

Ms. Fountain-Tanigawa: The first registered speaker is Brian O'Brien.

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

BRIAN O'BRIEN: Thank you very much. Good morning, Councilmembers. I am just here to support the amendment to whatever all this is to allow rocks to be part of the driveway for some driveways. I just want to also say that the rock is really an indigenous species here on Kaua'i and that asphalt and concrete are invasive. The rock has proved itself to be environmentally sustainable and friendly for five million (5,000,000) years and we put asphalt concrete on all of our highways and we seem to have an epidemic of *pukas* and all that goes along with that, like constant repairs that ongoing every week of the year. It appears that there is no end in sight to it, so I am here for the "hooray" for rock, especially on driveways where it is manageable. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify on this Bill? Seeing none. I will call this meeting back to order.

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

Council Chair Kaneshiro: Are there any questions for the Administration?

Councilmember Kagawa: I just had one question for Ka'āina. The question is, on the driveways that Brian is talking about, who is going to...I know there are alternate acceptable methods—who is going to do the inspection? Like we said, you can either do it good or you can do it bad and those fire trucks are very heavy. Bruce was asking me in break, who is going to inspect it and make sure that we know they are doing a good job, like Brian, and who is not? We can recommend prior to them spending money and creating this driveway that is going to get denied. Who is going to follow-up on that process? I know that Public Works does an inspection beforehand to make sure it is acceptable before we tell them it is okay to pour it.

Mr. Hull: Ka'āina Hull, on behalf of the Planning Department. Overall, those structures that do not require fire apparatus accesses or fire driveways, there is no inspection, because like I was saying at the last meeting, there is no specific requirement on what a driveway is until you reach that point where a fire apparatus needs to be able to traverse it.

Councilmember Kagawa: Okay, so the ones that need to be approved by you folks, who is going to do the inspection and follow-up?

DARYL DATE, Fire Prevention Captain: Good afternoon, Councilmembers. Daryl Date, Fire Prevention Captain. When the applicant takes

out his building permit and it is flagged that there is a concern and it comes to the Fire Department, they will be submitting their proposal on the type of driveway materials that they want to use. We will review that. If it is not designed by a professional designer, such as an Architect or Civil Engineer, we can refer to the Public Works Engineering Division to see what their opinion is on it. If it is good, we will approve it. Once it is built, we will go and inspect in order for the applicant to get a certificate of occupancy for their building permit.

Councilmember Kagawa: So you folks will be working with the Building Division for the inspection to make sure that they meet County standards.

Mr. Date: Yes, for the Fire Department standard.

Councilmember Kagawa: Thank you.

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

Mr. Date: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a question for the next one, for Bill No. 2769, Draft 1, so they might as well stay.

Council Chair Kaneshiro: Okay, yes, but there might be public testimony, too, so they might have to move.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: I will call the meeting back to order.

The meeting was called back to order and proceeded as follows:

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

The motion to approve Bill No. 2768, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUEED & NOT VOTING:	None	TOTAL – 0.

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

Bill No. 2769, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE: Councilmember Kualii moved to approve, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Do we have any questions for the Administration on this? Actually, do we have anyone signed up for testimony?

Ms. Fountain-Tanigawa: No registered speakers.

Council Chair Kaneshiro: Is there anyone willing to testify on this Bill? I will suspend the rules. Councilmember Cowden you have the floor.

Councilmember Cowden: In general, I am very supportive of this, so I am thankful for all the hard work that has been done. Last time, I had some questions about the sprinklers and the construction industry—the Contractors Association. I appreciate what I learned. You said there are four (4) installers that can do this for fire sprinklers.

There being no objections, the rules were suspended.

Mr. Date: Yes, there are at least four (4). I reached out to some companies that we work with on the commercial side. They confirmed that they do sprinkler installations for single-family homes.

Councilmember Cowden: Okay. I talked to the Contractors Association. It does not sound like they were contacted again. We talked about that the last time. I asked for specifics of what they were concerned about, so when there is a distance to a house, my understanding is that sometimes you need to have a secondary waterline run the whole way in order to have the right amount of pressure for the sprinklers; is that correct?

Mr. Date: No, you can run it off of a single waterline. It can be run off the domestic waterline. If the house is not served by domestic water, there are systems where it is self-contained where you have a three hundred (300) gallon water tank and an electric pump that can feed the sprinkler system in case it is needed.

Councilmember Cowden: Okay. Then, what about backflow or back flush, do we have to do a back flush every year? Is that correct?

Mr. Date: I believe you are referring to a backflow preventer.

Councilmember Cowden: No, I used the wrong word...back flush. Do you have to flush the system every year?

Mr. Date: No, it is very low-maintenance once it is installed.

Councilmember Cowden: Okay, it is inconsistent with what I am hearing from the Contractors Association, but perhaps maybe there is a variation. In this Bill, there is a “may” in there, rather than a “shall”; is that right? You put the “shall” in Bill No. 2768, Draft 1; how about in this one?

Mr. Date: There is “shall” in a few areas of the amendments.

SOLOMON KANOHO, Temporarily Assigned (TA) Deputy Fire Chief: Solomon Kanoho, TA Deputy Fire Chief, Kauaʻi Fire Department. That is correct, in item 4 in the previous meeting, it was “shall be installed” was removed and “may be required” was the verbiage, correct.

Councilmember Cowden: Okay, so there is a little bit of room.

Mr. Hull: I will just add to remind the Council, I know Daryl reached out to the Contractors Association and the Mayor was going back and forth with them. We also spoke with the Building Industry Association, which is in complete support of the Bills. I think there might have been some misunderstanding from the Contractors Association, but the biggest “shall” is the one that exists today, and that is you “shall build a County standard roadway” when you want to build that fifth (5th), sixth (6th), or seventh (7th) house all the way up to “Timbuktu.” That is the “shall” that that exist today and so we are saying that you can put in a fire access road, which is considerably cheaper and in some scenarios, when you put in that fire access road, if you choose, you do not want that fire access road to run all the way to your house, then you can have the opportunity to sprinkle it. That is an option. These are all options that we are trying to provide that are significantly cheaper than a County standard roadway. The option of, again, having the fire access road, which is only twelve (12) feet wide of pavalable surface or in some scenarios, the option of a sprinkler system. Both of those options, again, are in place of the County standard roadway on the fifth (5th) house, which is an exorbitant cost. I just go back to that...I do not think there is a misunderstanding at this body at this point, but there may still be some in the public.

Councilmember Cowden: I appreciate that being really clearly stated, and I will support Bill No. 2769 as-is because I understand it removes the largest impediment from people not being able to build a house in the first place. I guess what I want to put out in words when I am talking to some of the people who are concerned and then there is definitely entities that again are not comfortable coming to the Council and testifying. That stresses to me that people do not feel the confidence of no retaliation, so they do not testify, but what I feel that I am hearing from a variety of builders or people who look at the cost of having a home or even building a home, I would say that their fear is that the Fire Department statewide, and even nationally, wants to enforce sprinklers in all houses. By passing this Bill, we are no means placing it in any, but the most extreme distanced house without any way to get to it; correct?

Mr. Hull: Correct.

Mr. Date: Correct.

Councilmember Cowden: Alright. That is the question I had to support people who are concerned. This will not force sprinkler systems in most houses that need building. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: For the water supply, does the water supply approved by the County capable of supplying the required water flow shall be provided to all premises, so that is where I wanted to put our "may be required" if it is an access of six hundred (600) feet. What would be a County approved water supply, could you build your own catchment tank that is "x" number of gallons? What are some examples of that?

Mr. Date: Number one would be the Department of Water's fire hydrant. After that, people can put in private hydrants on their own—they would have to have it professionally designed. Storage tanks with some sort of outlet that we can connect our fire hose to, to collect the water from, like ponds, streams, rivers, swimming pools, because the fire engines have the ability to suck water from standing pools of water. Those are some examples.

Councilmember Evslin: How big would the storage tank need to be if someone were to build one?

Mr. Date: There is a standard for firefighting in rural areas and there is a formula where an engineer needs to punch in numbers. It is all dependent on the size of the structure, the construction of the structure, what it is being used for, and you just punch in different numbers and the formula will calculate how much gallons of water should be needed if that structure should catch fire.

Councilmember Evslin: Do you know a ballpark figure for a three-bedroom house or something?

Mr. Date: I would say approximately ten thousand (10,000) gallons.

Councilmember Evslin: Ten thousand (10,000) gallons. Therefore, that structure would just need to be within six hundred (600) feet of the house?

Mr. Date: What structure?

Councilmember Evslin: That water tank. Would that have to be just be within six hundred (600) feet of a one- or two-bedroom house, right?

Mr. Date: Yes.

Councilmember Evslin: The only reason I bring it up is because I would think in some cases, you can build a tank cheaper than you can install a sprinkler system. I build a six thousand (6,000) gallon tank for four thousand dollars (\$4,000), well...maybe it was not up to code, but it worked.

Council Chair Kaneshiro: Did you use green materials? Just kidding.
Councilmember Cowden.

Councilmember Cowden: I have a follow-up question, are you familiar with Waipā? You know we have that supplementary water tank to fit the fire hydrant there.

Mr. Date: Yes.

Councilmember Cowden: Right there behind the kitchen and the classroom area, are we talking about that? I think it costs us almost one million dollars (\$1,000,000) or something like that to put that in.

Mr. Kanoho: Correct, it would not be something like that.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I think I know the answer, but I just wanted to ask it any way. The Contractors Association, they were contacted, I confirmed that with Karen. A lot of her experts or members do not want to be singled-out at a public meeting for opposing or what have you because they are worried about future ramifications of being oppositional in a public area. They state clearly in their testimony that they have never opposed fire sprinklers, they are however opposed to mandatory installation of fire sprinklers and the reason is because of cost and they believe that the balance between safety for a family and what the family can afford, should be made by the homeowner. Again, what they have asked for was an amendment and I could not figure it out...it was an amendment that would take out the mandatory installation of fire sprinklers. This is only in a few cases, right, where they are too far and cannot do the necessary...because everything that is attached to...as options to put in fire sprinklers cost money, right? So there is no other way we could amend it, we did the best we could by putting in the language you gave?

Mr. Hull: To be clear, Councilmember Kagawa, it can be amended to take away that option, but it takes away a potentially cheaper option from the property owner, right? If you take away the fire sprinkler option, then that says to the homeowner that you have to get the fire access all the way to that house. I think that is where some of the Contractors Association's issues are misunderstanding of the Bill and that if she wants, we can go back and look at that possibility, but the only reason someone is going to opt into that option is because we are going to say, "You know what, the fire access road, even though it is cheaper than the County standard roadway, is more expensive than the sprinkler, so I do not want to do the fire access road, I want to do the sprinkler." To amend it, to take that out, is says, "Sorry, you are going to have to put that fire access road all the way in."

Councilmember Kagawa: Yes, so this would be taking away a cheaper option, in your professional view because all the cases are different.

Mr. Hull: Yes.

Councilmember Kagawa: I think the misconception or the lack of communication is that we could not come to an amendment that would satisfy exactly what they want. Sometimes you have to agree to disagree.

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

The meeting was called back to order, and proceeded as follows:

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

Councilmember Chock: I want to thank the Fire Department and the Planning Department for these two (2) amendments. I think that it will help a lot of people. We received a lot of testimony of people who are sort of in limbo in wanting to move forward on it, but cannot. There has been a lot of openness from our Departments in trying to problem solve and as was just mentioned, we cannot supersede safety needs, but this amendment actually offers us a cost-effective, safety option. I think that is why I support it so much. I appreciate it and I will be supporting it.

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

Councilmember Evslin: I just wanted to second what Councilmember Chock has said. I really appreciate the actions of our Planning Department, Captain Date, and TA Deputy Chief Kanohe for all the work that you folks did. A year ago, I would have had no idea that driveways were a concern and then now as we dove into this, it is a huge concern. When we are talking about trying to ensure that people can build homes to reduce the cost of housing and we are talking about taking incremental steps in every way possible, this is one of those really important steps. I appreciate the fast action, I appreciate the responsiveness to the community and responsiveness to all of us, I think we all probably had a number of conversations with you folks, so you have done a really good job. Thank you.

Council Chair Kaneshiro: Anyone else? Councilmember Kagawa.

Councilmember Kagawa: I want to disagree with all of you, but I believe like what the Contractors Association does, I like homeowners having the choice to put in fire sprinklers if they wanted to, but I can find a better way to amend this Bill to take care of the ones that need to see multiple options to decide what is cheapest and most cost-effective for them to get their homes built. Being that I cannot find another option to fit my and Contractors Association's needs, I am just going to be supporting it, reluctantly...that it will still give the Fire Department power to mandate it in certain circumstances, but again, sometimes looking for another option

is not possible if you do not have it and I do not have it at this time. Again, I disagree with all of you, but I will be voting for it.

Council Chair Kaneshiro: Is there anyone else? Obviously I had the same concerns as Councilmember Kagawa. Anytime you hear fire sprinklers, it has been a red flag a lot of times where I know there was a push to have fire sprinklers in buildings, but I think in this case, it is different. I have been softened by it—in the fact that this Bill actually gives the homeowner the option. It gives them the opportunity to look at their different cost, because if we did not give them the option to put in the fire sprinkler, then they would need to have put in a County standard road. We all know how expensive asphalt is, we all know how wide that road...how much that road would cost, and I do believe that for certain instances where houses are far away, they will probably enjoy just putting in a fire sprinkler system rather than doing a County standard road. If they really want a good road, they can have a road that is even smaller than County standard now with this Bill, so it is up to them and what they want. Do they want to spend the money to have a big County standard road going all the way out to their house to fire service, do they want to make a smaller service road to get to their house, or do they want to put a fire sprinkler? Those are the cost options that the resident has now. I will be supporting it. Councilmember Chock.

Councilmember Chock: I just wanted to add that there are other options, too, that are outlined in the Bill. The considerations of water sources. Catchment systems are still available. There are ways that we can get around if we looked at it, I do not know what the cost point is, but it is certainly an option.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to say that I am really happy that both of these Bills are passing and that a number of people will be able to have houses that have them. This has been a persistent problem for a couple of decades, so I am grateful for that this change has been made.

Council Chair Kaneshiro: With that, we will take a roll call vote.

The motion to approve Bill No. 2769, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	Brun	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUEED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: We have two (2) minutes left on the tape, let us read us into Executive Session and then we have public hearing at 1:30 p.m.

EXECUTIVE SESSION:

ES-1022 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing regarding property located at 4432 Lāwa'i Road, Kōloa, Hawai'i, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene into Executive Session for ES-1022, seconded by Councilmember Cowden.

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: Is there any discussion from the members?
Roll call vote to go into Executive Session.

The motion to convene into Executive Session for ES-1022 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: With that, we have public hearing at 1:30 p.m., maybe closer to 1:40 p.m. or 1:50 p.m., and then our Council Meeting will be done.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:43 p.m.

Respectfully submitted,


JADE K. FOUNTAIN-TANIGAWA
County Clerk

:jy