

## COUNCIL MEETING

NOVEMBER 2, 2022

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, November 2, 2022, at 8:31 a.m., after which the following Members answered the call of the roll:

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

### APPROVAL OF AGENDA.

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

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

There being no one present to provide testimony, the meeting proceeded as follows:

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

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

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

### MINUTES of the following meetings of the Council:

October 5, 2022 Council Meeting  
October 19, 2022 Public Hearing re: Bill No. 2888

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

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify on the minutes? Are there any questions or discussion on this item from the Members?

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

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

### INTERVIEWS:

#### POLICE COMMISSION:

- Laurie Yoshida – Term ending 12/31/2025

Council Chair Kaneshiro: Ellen, would like to give an introduction?

ELLEN CHING, Boards and Commissions Administrator (*via remote technology*): Yes, thank you. Good morning, Ellen Ching, Boards and Commissions. Laurie followed her heart and Vernon to Kaua'i in 1994, and the rest is history. She 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 also formed her own consulting business. She is the proud parent of Kaua'i High School Red Raiders graduates Chris and Brittany who graduated magna cum laude from the University of Nevada, Las Vegas (UNLV) in three and one-half (3½) 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." She was selected as an honoree by the Pacific Business News as 2020's Women Who Mean Business. On top of everything, Laurie works out five (5) times per week so she can indulge in her guilty pleasure—desserts. And another complication is Vernon is a fabulous chef. You may remember her more recently being the Vice Chair of the Salary Commission, where she was the lead quarterback on the Salary Resolution. With her wealth of experience and action-oriented leadership, Laurie is an ideal candidate for the Police Commission, and I am thankful for her willingness to serve. We look forward to her fresh ideas and new approaches.

Council Chair Kaneshiro: Thank you. Laurie, are you on?

LAURIE YOSHIDA (*via remote technology*): Yes, I am here.

Council Chair Kaneshiro: Do you have anything to add?

Ms. Yoshida: No.

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

Councilmember Cowden: I would like to say thank you. This question might be for Ellen. You are still on the Salary Commission. Are you waiting for the

first, or can you be on two (2) commissions? I am totally fine with that, and I know we need people.

Ms. Ching: Councilmember Cowden, Ellen Ching, Administrator. I will address your question. Laurie resigned from the Salary Commission, and we are putting forward her nomination for the Police Commission.

Councilmember Cowden: Okay. I feel that I know you well and I know how competent you are. I do not have specific questions on your ability to be on the Police Commission. I am sure you will be fine.

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

Councilmember DeCosta: I would like to say that I am very happy. I am fortunate to know Laurie. One of my sons went to school with Laurie's daughter. Although he was not in the magna cum laude category like your daughter, he spoke highly of her, and I believe they are friends until today. You are a great local girl, doing well, and I am honored to have you. Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Laurie Yoshida, you are all over the place, which is awesome. You bring a lot to the table with your *mana'o* and your connection within the community. Thank you for stepping up to the plate and all that you do for the community. Especially with this, it is a big role, and I know you are going to bring a lot to the table and back to the community, because that is how you are. *Mahalo* Laurie.

Ms. Yoshida: Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kualii'i.

Councilmember Kualii'i: I want to say *mahalo nui loa*, Laurie. Not only for taking this new assignment, but for being a commissioner on a few Commissions over the last ten (10) years. Thank you. I do not think we have any concern about you resigning from the Salary Commission, because you folks just completed a lot, and I think the Salary Commission has a little break now. Thank you for stepping forward and being willing to be on the Police Commission. I think there is a lot of important work ahead. Thank you.

Ms. Yoshida: Thank you.

Council Chair Kaneshiro: Is there anyone else? Thank you, Laurie, for your willingness to serve and be on these Commissions. As Councilmember Kuali'i said, the Police Commission is important, and I know you have your work cut out for you. Thank you for being willing to serve.

Ms. Yoshida: Thank you.

Council Chair Kaneshiro: Thank you, Laurie. Next up, we have William Kinney. Councilmember Evslin, did you want to do the introduction for him?

PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION  
FUND COMMISSION:

- William Kinney (*Anahola / Hā'ena*) – Term ending 12/31/2023

Councilmember Evslin: Yes. I nominated William "Billy" Kinney for the Public Access, Open Space Natural Resources Preservation Fund Commission for the open seat from Anahola to Hā'ena region.

Billy Kinney was born on the North Shore. His mother Sha Sha Kinney was the late matriarch of the Fu 'ohana. His father was Blue Kinney who was a boxer, surfer, and a longtime employee of Princeville Corporation. Billy grew up around the early boating wars in Hanalei. He experienced two (2) hurricanes and watched the tail-end of this wave of new residents and development on the North Shore. He was raised by his grandpa Ah Meng, who was the boss of the Princeville Ranch, which had cattle on land from Hanalei to Keālia. His family remain *paniolo* and fishermen on the North Shore—still living off the land and sea.

He graduated with his bachelor's degree in English, and recently earned a master's degree in Urban and Regional Planning from the University of Hawai'i at Mānoa. He currently works as a Planner for Noho Papa Hawai'i, a native-led resource management firm, creating natural resource management and preservation plans.

At forty (40) years old, he is the youngest Director of the Hui Maka'āinana O Makana in Hā'ena, working with State Parks and the Department of Land and Natural Resources (DLNR) to manage and steward his ancestral lands. He is a co-founder of the Kia'i Kanaloa network, which advocates for the culturally appropriate care of marine mammals, and a board member of Kilo Mālama—a group reviving traditional observation practices across Oceania.

Given his background and experience, I think he is perfect and an obvious fit for the Public Access, Open Space, Natural Resources Preservation Fund Commission.

Council Chair Kaneshiro: Bill, did you have anything to add to your introduction?

WILLIAM KINNEY (*via remote technology*): No, Councilmembers, *mahalo*.

Council Chair Kaneshiro: Okay, thank you. Are there any questions from the Members? Councilmember Cowden.

Councilmember Cowden: Hi, Billy. We have been friends since your first day of kindergarten when I taught at Hanalei Elementary School. You speak *‘ōlelo*, are you fluent in Hawaiian?

Mr. Kinney: Almost fluent.

Councilmember Cowden: Almost fluent. You are strong on cultural practices.

Mr. Kinney: Yes.

Councilmember Cowden: What is your degree in? I remember when you went to college, you did really good...

Mr. Kinney: I have degrees in Hawaiian Studies, Hawaiian language, but my main focus has been English; and recently, Urban and Regional Planning.

Councilmember Cowden: Yes. I appreciate you very much. I know your whole family and I am sure your mother would be proud.

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

Councilmember DeCosta: Hey, Billy, how are you?

Mr. Kinney: I am good.

Councilmember DeCosta: I am excited to see a local boy willing to assist with access on the Northside of the island. I know we work really hard with *makai* access, but I think the North Shore has a blockade with *mauka* access. I am excited to work with you on the Public Access, Open Space, Natural Resources Preservation Fund Commission to get that open for the local residents. Thank you, Billy. Welcome.

Mr. Kinney: *Mahalo*, Councilmember.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Billy, it is awesome that you are stepping up again. I know you are very involved in our community in so many ways. You bring a lot of *mānao* to the table. I think this particular position will be awesome for you and I think you will bring back to everyone. *Mahalo* for stepping up, Billy.

Mr. Kinney: Thank you, *mahalo*.

Council Chair Kaneshiro: Councilmember Kualii'i.

Councilmember Kualii'i: I want to say *mahalo nui loa* for your willingness to step up and serve on what I feel is a really important Commission. Later today, we will be hearing about the Halulu Fishpond access at Waipā. It is important work. I noticed your middle name is Kaleo.

Mr. Kinney: Yes.

Councilmember Kualii'i: I hear a bit of resonance in your voice, and I love that your name is Kaleo.

Mr. Kinney: Thank you, *mahalo*.

Councilmember Kualii'i: *Mahalo* for your service.

Council Chair Kaneshiro: Is there anyone else? If not, thank you, Billy for being willing to serve. It is an important role. I do not think we have been spending a lot money out of the Public Access, Open Space, Natural Resources Preservation Fund. It has been gathering money, which opens a lot of opportunities. Thank you for being willing to serve and provide your knowledge on the North Shore.

Mr. Kinney: Thank you. *Mahalo*, Councilmembers.  
Thank you for your time.

Council Chair Kaneshiro: Thank you. Next up is the Consent Calendar.

#### CONSENT CALENDAR:

C 2022-247 Communication (08/30/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Glenda Nogami Streufert to the Planning Commission (At-Large) – Term ending 12/31/2024.

C 2022-248 Communication (09/16/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Paul Endo to the Liquor Control Commission – Term ending 12/31/2024.

C 2022-249 Communication (10/11/2022) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 22 of Ordinance No. B-2022-866, as amended, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023.

C 2022-250 Communication (10/20/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing No-Parking Zones Along Poʻipū Road And Repealing Resolution No. 2011-34, Resolution No. 2011-57, Resolution No. 2013-62, And Resolution No. 2020-38 In Their Entirety, Kōloa District, County Of Kauaʻi.

C 2022-251 Communication (10/20/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A Roundabout At The Intersection Of Kawaihau Road, Hauʻaʻala Road, And Mailihuna Road; Establishing Crosswalks On Kawaihau Road, Hauʻaʻala Road, Mailihuna Road, Kolohala Road, And Pelehū Road; Establishing A Left Turn Only Lane On Kawaihau Road, Restricting Left Turn Movements To Kawaihau Road, Establishing Bus Stops On Kawaihau Road, Amending Resolution Nos. 64 (1952), 68 (1952), 138 (1954), And 65 (1952); And Repealing Resolution Nos. 2001-048 And 2011-060 In Their Entirety, Kawaihau District, County Of Kauaʻi.

C 2022-252 Communication (10/20/2022) from the Acting County Engineer, transmitting for Council consideration a Resolution Establishing Roundabouts At The Intersections Of Poʻipū Road And Kōloa Road; Poʻipū Road, Lāwaʻi Road, And Ala Kalanikaumaka; Poʻipū Road And Kiahuna Plantation Drive; And Poʻipū Road, Ala Kinoiki, And Peʻe Road; Establishing Crosswalks On Poʻipū Road, Kōloa Road, Waikomo Road, Paʻanau Road, Ala Kalanikaumaka, Lāwaʻi Road, Kūkona A Laʻa Street, Kāpili Road, Kiahuna Plantation Drive, Hoaka Street, Hoʻowili Road, Kīpuka Street, Ala Kinoiki, Peʻe Road, Loke Road, And Keleka Road; Establishing A Two-Way Left-Turn Lane And Left-Turn-Only Lanes On Poʻipū Road; Establishing Right-Turn-Only And Left-Turn-Only Lanes On Kāpili Road And Hoʻowili Road; Prohibiting Left Turn Movements From A Private Driveway To Poʻipū Road; Establishing Bike Lanes On Poʻipū Road; Establishing Bus Stops On Poʻipū Road; Establishing A Stop Sign On Hoaka Street, Amending Resolution 64 (1952); And Repealing Resolution Nos. 49 (1957), 67-93, And 2010-41 In Their Entirety Kōloa District, County Of Kauaʻi,

Councilmember Kualīʻi moved to receive C 2022-247, C 2022-248, C 2022-249, C 2022-250, C 2022-251, and C 2022-252 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on these items. Is there anyone in the audience or on Zoom wishing to testify on the Consent Calendar?

There being no one present to provide testimony, the meeting proceeded as follows:

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

The motion to receive C 2022-247, C 2022-248, C 2022-249, C 2022-250, C 2022-251, and C 2022-252 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next up, we are on Page 3, Communications.

### COMMUNICATIONS:

C 2022-253 Communication (09/28/2022) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend recurring Federal funds, in the amount of \$38,442.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Project No. 20-DJ-03, and to indemnify the State of Hawai'i, Department of the Attorney General. Funding will be used for drug-related investigations.

Councilmember Kualii moved to approve C 2022-253, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Are there any questions from the Members on this item? If not, is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

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

The motion to approve C 2022-253 was then put, and unanimously carried.

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

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair, the next item relates to an Executive Session item that we will take later.

Council Chair Kaneshiro: We will take that item after the Executive Session. We will have to come back out to vote on this. Next item, C 2022-255.

There being no objections, C 2022-255 was taken out of order.

C 2022-255 Communication (10/17/2022) from Keola Siu, First Deputy Prosecuting Attorney, requesting Council approval to receive and expend funds, in the



amount of \$5,000.00, from the Hawai'i State Rural Health Association (HSRHA), Hawai'i Opioid & Prevention Program. These funds will be awarded to the County of Kaua'i's Life's Choices Program, and will be used to implement a pilot program addressing jail re-entry to reduce recidivism, through June 1, 2023.

Councilmember Kualii moved to approve C 2022-255, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions on this item? I will suspend the rules. Councilmember Cowden.

Councilmember Cowden: I recognize that five thousand dollars (\$5,000) is a small grant, but when it is a pilot program, I am happy to hear how we are improving our efforts to support people who have opioid challenges. Can you give me a brief summary of what you think the pilot programs are objectives are from what we are currently doing?

There being no objections, the rules were suspended.

MICHAEL MIRANDA, Life's Choices Coordinator (*via remote technology*): Good morning, Council Chair Kaneshiro and Councilmembers, Mike Miranda, Life's Choices Coordinator. The five thousand dollar (\$5,000) grant will be used to purchase reentry packs, which will be provided to inmates who are released from Kaua'i Community Correctional Center (KCCC) or O'ahu Community Correctional Center (OCCC) in Halawa, and returning to the general population on Kaua'i. The packs will contain items that inmates will need to comply with their probation and parole conditions, such as cellphones and bus passes, paperwork to get their State Identification (ID) cards or driver's license, they would be able to get their referrals and assessments to start substance abuse evaluation and treatment.

Councilmember Cowden: Are they able to get their driver's license or State ID before they get out the door? Sometimes, it is a problem when they get out and they have no ID. They cannot get medical help, Post Office box, et cetera. How long does it take? You said they will get their birth certificate and social security card to get their ID. I know there is a big issue when people get out, because they do not have an ID, which often stumbles people.

Mr. Miranda: I have been working closely with social workers at KCCC to ensure they have a government-issued ID prior to release. I am also working with the Department of Public Safety's, Oversight Commission, to ensure that the social workers at the facilities are following state law and giving the inmates government-issued IDs prior to release.

Councilmember Cowden: Okay, perfect. That is a big step forward. Five thousand dollars (\$5,000) does not sound like much to get people cellphones, but that will help people tremendously. Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, while the rules are still suspended, is there anyone in the audience wishing to testify? Lonnie.

LONNIE SYKOS: For the record, Lonnie Sykos. I will start out by saying it is by the grace of God that I am not in jail. The things that I have done in my youth and the life that I lived, I have great compassion for the people who do get caught. I was a merchant seaman and lived the life of a young merchant seaman. It is so good to hear that KCCC is providing these services to inmates. It is an enormous national problem that Councilmember Cowden brought up, that if you turn people loose from jail or prison, and they do not have an ID, they cannot get social services, an address, and they basically cannot do anything. When they get out of jail, they may not have money left over that did not get taken by fees or court costs, which usually means they have nothing. If you get out of jail with no ID or money, what is the likelihood you are not going to be back in thirty-six (36) hours? This is tremendous in hearing that we are being proactive with helping people to reintegrate into the community and providing them with necessities people need, which is the ability to communicate, an address, and personal identification. Housing is an enormous problem for everyone on the island. A critical problem for people leaving incarceration is, where are they going to spend the night. I am very happy to hear that we are proactively doing this. Thank you very much.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Is there anyone on Zoom? Councilmember Cowden, do you have a question?

Councilmember Cowden: Yes. Michael, thank you. Do they get a pair of trunks or undershorts? I often see when people are released and especially from the courthouse, they are wearing a translucent white paper suit. You can see their genitals and everything right through the suit. It is difficult being released practically naked. I have picked people up if I see them struggling or running. I think having a certain level of modesty is helpful not only to the person being released, but also to the community. I know people will get into a fight the day they get released, because they are walking away from the courthouse basically naked. Are we addressing that?

Mr. Miranda: The student who came up with this project from the University of Hawai'i at Mānoa never considered including some type of clothing for the inmates that are being released. Part of this reason is, they are not familiar with the particular nuances that they have in Court. They are considering adding shorts and t-shirts for the inmates, so they do not have to be embarrassed or stigmatized in the community by wearing an orange jumpsuit.

Councilmember Cowden: Yes. It is paper that is translucent. I think that it is important. For women, it gives them an extra vulnerability when they walk away basically naked. I want to push for that, and I know that would be something you would care about. I ask that because it is important to have an ID, but it is also completely demoralizing to be out there hitchhiking on the highway when you can see everything. Thank you so much.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, I will call the meeting back to order.

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

Council Chair Kaneshiro: Is there any final discussion from the Members? The motion on the floor is to approve.

The motion to approve C 2022-255 was then put, and unanimously carried.

C 2022-256 Communication (10/18/2022) from the Fire Chief, requesting Council approval to apply for, receive, and expend Community Wildlife Defense Grant funds in the amount of \$85,800.00, from the Hawai'i Wildlife Management Organization and the Division of Forestry, for the planning and update of a new Community Wildlife Protection Plan for the island of Kaua'i.

Councilmember Kualii moved to approve C 2022-256, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions on this item? I will suspend the rules. Councilmember Cowden.

Councilmember Cowden: Can you provide a simple explanation?

There being no objections, the rules were suspended.

MICHAEL GIBSON, Fire Chief (*via remote technology*): Hi, good morning, Council Chair Kaneshiro and Councilmembers. Mike Gibson, Fire Chief. We are requesting your approval for this grant opportunity. This opportunity is a way for us to work with the Hawai'i Wild Fire Management organization and the Department of Land and Natural Resources (DLNR), Forestry Division. The last time we did this update was in 2016. Several of you Councilmembers worked on this plan with us. It gives us a way to reinvigorate the community members in large areas or private landowners and to identify and prioritize areas towards hazardous fuel reduction. How we are able to do that with different types and methods to help mitigate wildfires. This also gives us recommendations and measures to reduce ignitability of residences, businesses, and structures that surround these areas.

Councilmember Cowden: Okay, thank you so much.

Mr. Gibson: You are welcome. If there are further questions, I have Captain Makepa from Fire Prevention available as well.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Chief. Thank you.

Mr. Gibson: Good morning, sir.

Councilmember DeCosta: Before I get into my questions, the community speaks highly of you. Thank you for being that person in leadership. Regarding this Wildfire Grant, does it address things like Captain Jeremie Makepa did in Anahola? If it is yes or no, can you elaborate how you plan to use grants like this for the Westside and in Kekaha. The grass that is between Waimea and Kekaha that is sloping up to Koke'e, when that wildfire gets out of control, we spend so much County resources trying to fight the fire, and we have not come up with a solution or plan to maintain the tall grass. I would like to see what your vision is and working with different entities, similar to how Jeremy Makepa worked positively with the community in Anahola.

Mr. Gibson: Thank you Councilmember DeCosta and thank you for your kind words. There are great people in the Fire Department, I am happy to be alongside of them, and support the great work that they do. This Grant will help develop a policy and put a plan into place to deal with these measures. For the item you alluded to and to make them happen, those are the things that Captain Makepa can share, so I will turn it over to him.

JEREMIE MAKEPA, Fire Prevention Captain (*via remote technology*): Good morning, Council. For the record, Jeremie Makepa, Fire Captain, Fire Prevention Bureau. Very good question. What we did in Anahola was a pilot template of what can be done for the rest of the island. This community Wildfire Protection Plan is the key to connecting all the stakeholders on the island to come up with a comprehensive plan that we can do throughout the island. We take third party independent consultant and setup community meetings and different ideas. For example, the Kaua'i Economic Agricultural Plan that is going on now, we take some of those ideas and put it into this plan and implement them. The important part of this plan is the two-year process of getting ideas and collecting data to make it a community-driven plan. Once it is in the plan, we can implement some of the ideas like what Councilmember DeCosta is talking about.

Councilmember DeCosta: Thank you for the informative briefing. Mr. Makepa, when I took a trip and brought my son to California, I saw they used livestock—sheep and goats were on the side of the road, and they used electric fences. They did this to maintain the wildfire, the tall grass, and they had areas of bureau land management where they put cattle once or twice a year to help with the thick foliage. I am a very pro-agricultural person. If possible, I would like to see you folks use of those measures to control the grass especially on the Westside.

Mr. Makepa: Yes, I agree. That is a very good way to take care of the flammable vegetation all over the island. I am working with landowners and stakeholders around the island to implement that as part of this plan.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Captain Makepa, I would like to thank you for the help that you have done when I have asked about the houseless community that are hiding in peppercorn or *haole koa*. It is tinder and can burn quickly. Is that factored into this plan so that we have find ways of communicating with them? I appreciate how you help cut the foliage. We do not address the community effectively or quickly. As they are in the bushes and cooking, it is not only a threat to fire hazards, but a threat to themselves.

Mr. Makepa: Yes. There are going to be several community meetings around the island, each region has their own concerns. As you mentioned, there is a lot of houseless hiding in the bushes, which is very dangerous for them because of how fast fires can grow and spread through their camps. That would be something addressed during the community meetings. Right now, Ahukini is one of the main areas that is a problem. We could set that up within the plan and how to mitigate these things going forward. Great question. It will definitely be in our discussion during the community meetings.

Councilmember Cowden: Okay, that would be great and if you could put it on the agenda. I attend a lot of community meetings, and rarely ever see marginalized community showing up at community meetings. A lot of times people do not have awareness and they might be thinking about other aspects. Unless we call attention to this during various community meetings, they might not be aware or consider that threat being there. My request is that it be placed on the agenda as a reminder for people.

Mr. Makepa: That is a great idea. This plan usually lasts approximately ten (10) years. I believe the last time the Council participated in this process was five (5) years ago. We are doing our due diligence. The last plan was from 2016. We want as many chances as possible to secure grant funding to obtain money, so that it does not have to come out of the County's budget. Right now, we are only applying for this grant. It is a competitive grant and we are in competition with the west region—California, Oregon, Arizona—and all the base wildfire places. Hopefully we can get it once we apply for it. We wanted to start early to get the process going. We are unsure when the meetings will take place, this is for the grant application only.

Councilmember Cowden: Understood. Thank you for applying for it, putting that in your brain, and thank you for making the effort.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: *Aloha*, Jeremie. I noticed at one point in the memorandum that it calls it a "Community Wildlife Protection Plan" and the other it says, "Community Wildfire Protection Plan." Is it one or the other and is it supposed to be Wildfire?

Mr. Makepa: It should be Wildfire. It is for the Fire Department, and this is a Wildfire Protection Plan. It is mainly dealing with the wildland urban interface problems that we have and looking at areas that has a lot of flammable vegetation close to housing, which is high risk areas.

Councilmember Kualii: Exactly. Yes, I know with the Anahola pilot project, it is all about the lands close to the neighborhood. Over the years, they have put in firebreaks and clearing out to the area. When I saw Wildlife, I thought—where are you going to have the meetings and who are you meeting with to talk about Kōke'e? There is no neighborhood community. We will replace the Wildlife wording with Wildfire. This also has to do with the nonprofit organization from Hawai'i Island, where their headquarter came to Kaua'i a few years ago and did a presentation. Maybe it was in 2016, was it that long ago.

Mr. Makepa: You participated in that, so you remember. That is the same organization I worked with to figure out how much it would cost to apply for a grant to do this entire process again. It is through the Hawai'i Wildfire Mitigation Organization. I believe Council Chair Kaneshiro, Councilmember Chock, and yourself participated in those events several years ago. We are going to go through the same process again to try and get the new plan implemented if we could get this grant, and that is what we are applying for.

Councilmember Kualii: Did we go after this grant before?

Mr. Makepa: I am not sure if we did, that was before my time. It is a good amount of money, which is why we wanted to apply for it early.

Councilmember Kualii: Do you know how often it becomes available?

Mr. Makepa: It is available every year. We can apply for the grant to do activities, but for this grant, we are applying to redo the plan. This request is for the plan only. In future years, whatever comes about with the plan and if there are different organizations that want to take part as far as community grazing, community chipping events, or anything pertaining to wildfire, if it is in the

plan, we can then apply for grant funding. The idea is to figure out who wants to participate in this grant and the mitigation activities during the plan. In future years, help them apply for the money to get the activities done.

Councilmember Kualii: Thank you. I will say that if we do not get the grant, it would be something to consider. If doing the study means we can then use that do go after different pots of money to do the work, then I think it is important. Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? While the rules are still suspended, is there anyone in the audience or on Zoom wishing to testify?

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

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

Councilmember DeCosta: I would like to advocate. I have been out on a fire on the Westside that crossed the road and into the Waimea Valley. I was right next to the firemen. The work that they do is amazing. It is also very dangerous and treacherous. For example, when the firefighters are in the tall grass, the wind shifts in another direction, the fire is now behind them, and they are trapped in the middle of the fire. This is a huge problem, especially on the Westside. We have not come up with a solution to take care of the tall grass between Waimea and Kekaha. When the firefighters need to put out and fight the fires, I believe that is a lot of community funding resources that the County needs to pay, especially in overtime. Something like this can mitigate and solve the problem. I like the livestock grazing idea and it currently works in different states. Thank you, Mr. Makepa and Mr. Gibson for all that you do.

Council Chair Kaneshiro: Is there anyone else? I would like to say that I will be voting in favor of this item. Jeremie, I know you folks worked hard in this fire mitigation effort. I have been part of meetings. They are really good meetings where they bring different organizations and landowners together to ask what their resources are and what they are doing to mitigate creation of fire fuels. In that discussion, you hear that people use animals alongside the road. Some people have reservoirs that the Fire Department can use water from. You have construction or trucking companies that share the type of equipment they have. If a fire happens, they can mobilize and be there. I think it is a really important and good meeting to have. Jeremie, I know there are grant opportunities for mowers or equipment for people to apply for if there are opportunities to maintain areas that would potentially have fires. Perhaps the Anahola community can apply for a grant to mow along

certain areas that would have fires. I think it is a good initiative and I appreciate your efforts towards it. Councilmember Cowden.

Councilmember Cowden: I want to support what Council Chair Kaneshiro said. I went to these meetings, the outreach is really good, and I think we need to promote it more, because it is a great opportunity for the people who would be impacted to consider it—as you are saying, for the public and volunteers to support this. I want to acknowledge the companies that support this situation. It is very good, thank you.

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

Councilmember DeCosta: I want to reiterate what Council Chair Kaneshiro brought up and mentioned a very strong point. You mentioned reservoirs. That is true. The reservoirs are a water source for the helicopters not having to fly far away to get water. With the State decommissioning all the reservoirs, this could be a fighting point for you to make to keep some of the reservoirs up and flourishing, not only for the agricultural community, but for fire prevention. Thank you, Chair, for bringing that up.

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

The motion to approve C 2022-256 was then put, and unanimously carried.

C 2022-257 Communication (10/20/2022) from the Housing Director, requesting Council approval to receive and expend Transit—Oriented Development (TOD) Capital Improvement Project (CIP) Planning funds, in the amount of \$800,000.00, from the State Office of Planning and Sustainable Development. These funds will be used to conduct a series of community engagement and planning meetings, and to complete the required predevelopment studies such as environmental assessments, cultural and historical impact surveys, and preliminary engineering studies for the Waimea 400 Affordable Housing Master Plan (\$425,000.00) and the Kīlauea Affordable Housing Master Plan (\$375,000.00).

Councilmember Kualī'i moved to approve C 2022-257, seconded by Councilmember Cowden.

Council Chair Kaneshiro: I will suspend the rules. Adam, can you give us a briefing on this item?

There being no objections, the rules were suspended.



ADAM P. ROVERSI, Housing Director: Good morning, Council Chair Kaneshiro, and Councilmembers. Thank you. Adam Roversi, the Housing Director for the County. The Housing Agency recently applied for and received approval from the Transit-Oriented Development (TOD) Capital Improvement Project (CIP) Planning funds program for special planning funds to get us off the ground for community housing plans. This is for a portion of the Waimea 400 Affordable Housing Master Plan that was designated for housing in the preliminary master plan that the Planning Department generated, as well as to begin work on the Kilauea Affordable Housing Master Plan for properties that the County is still in the process of acquiring. For those of you who have been on the Council for a while, this is like the master planning process that we undertook for Lima Ola to develop a community vision of the project, required environmental studies, cultural surveys, et cetera. These funds would not be sufficient to complete all the work, but to get us on the way to getting there. I would like to particularly thank Allison Rettig for putting together these applications on very short notice and she did a fabulous job in turning around excellent work product that was approved by the TOD Council. I am happy to answer any questions.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: First, congratulations, good job on getting this grant. There was a glitch when you spoke. You wanted to acknowledge two (2) people who made it possible, but we lost sound. Who were those people?

Mr. Roversi: Allison Rettig. She is one of the development specialists in our office who did a fabulous job in putting these applications together in short period of time.

Councilmember Cowden: Thank you, Allison. What is the timeline when they do the studies and community engagement? When do they begin, what will people expect, and how long will the study take? What is the general outline for the timeline process?

Mr. Roversi: We did not get to that point yet, but from the availability of funds and the execution of a contract, to perform the community outreach and basic studies, we expect a minimum of one (1) year or up to one-and-one-half (1.5) years to complete the work. Those studies are the basis for the next steps that need to be undertaken to make these projects feasible. For example, like Lima Ola, we would likely have to do a 201H Application to bring to Council for approval of the master plan. Thereafter, we will take that to the Land Use Commission for the redistricting of the property and go through the subdivision process. The planning processes and required studies is the first step in a series of processes that need to take place to get the first housing units built.

Councilmember Cowden: Okay, understood, thank you. I would presume that when we get this funding, we will start on the Waimea 400 Affordable Housing Master Plan first, because we own it outright, it is sitting there ready. You will know once you get the money, and I would guess in the next four (4) months. With Kilauea, we are pursuing eminent domain and we have not quite purchased the Hay property, is that correct? How does that work when we are still in the process of acquiring the land?

Mr. Roversi: That is correct. The eminent domain proceeding is scheduled for January 2023 in State Court, and we expect some resolution soon thereafter. That should tie in roughly to when these funds become available. There will be a good coordination of timing with the availability of these funds, the execution of professional services contracts, and a resolution of the ownership or site control issues for Kilauea program. For the members of the community, we would be notifying folks in Waimea for the first round of community meetings for this process, shortly after the new year. It is never good to start these things during the holiday season. We would hope to begin the Waimea process in the first quarter of next year; and in Kilauea, slightly thereafter, and in the second quarter of 2023.

Councilmember Cowden: Has the Hay property been purchased yet?

Mr. Roversi: We are still in discussions with Mr. Hay.

Councilmember Cowden: Would this study be for both parcels?

Mr. Roversi: Correct.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Adam. If we do not purchase the Hay property, this money would have not been towards that, and we would not have made any gain. How do we plan to reiterate that scenario? Is it an almost guaranteed purchase, and if it is not a purchase, are we doing a condemnation on it to get it, because we are already spending the money on it? I want to know what the alternative plan is.

Mr. Roversi: As with the property the Council elected to initiate condemnation proceedings for, that is always an option, but we hope not to have to go through that. If for some reason the Kilauea property acquisitions could not move forward, I envision through discussions with the TOD Council, that portion of these planning funds allocated to the Kilauea project could be reallocated to the

Waimea project. I do not think we will lose these funds or spend it on a property we do not actually control, manage, and cannot implement a plan that is developed.

Councilmember DeCosta: Thank you, Adam. My next question is a yes or no answer. The Waimea 400 Affordable Housing Master Plan, the Kīlauea Affordable Housing Master Plan acquisition, and the Līhu'e Town Core, are the three (3) biggest areas that County funding is put into to develop housing. There is a water shortage in Līhu'e; until that is resolved, there will not be any building in Līhu'e. Are you folks planning to refocus by putting County funding into Waimea and Kīlauea?

Mr. Roversi: Do not forget about Lima Ola in 'Ele'ele, which is another major project. As far as the Housing Agency and where we redirect our efforts, in recognizing that the General Plan calls for the majority of housing to be developed in the Līhu'e area, the County, for better or worse, does not control property in Līhu'e. That is primarily a private initiative that we would certainly support and want to work with landowners in the Līhu'e area. We focus our efforts on properties that we control, we can manage the process, and we can handle the necessary rezoning or redistricting, studies, and work that needs to take place. We do not control the areas around the Līhu'e Town Core.

Councilmember DeCosta: I understand that, Adam. However, with lack of water in Līhu'e, even if landowners want to develop, nothing is going to happen if there is no water. We did not forget about Lima Ola, it is well on its way, and thank you for all your hard work.

Mr. Roversi: I know the Department of Water is working diligently to resolve the recent decision made by the Hawai'i Supreme Court and move forward with water infrastructure in the Līhu'e area.

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

Councilmember Carvalho: Adam, I have a question. Lima Ola is on its way; we are moving forward with Lima Ola. What was the total amount requested?

Mr. Roversi: The TOD funding was eight hundred thousand dollars (\$800,000).

Councilmember Carvalho: That was the total and it was not more than that, correct?

Mr. Roversi: Yes.

Councilmember Carvalho: I wanted to know if you needed additional funding or if we received less than that amount, but we got the eight hundred thousand dollars (\$800,000).

Mr. Roversi: I would have to pull up the actual application. We may have asked for more than that, but I think there was a cap from the TOD Council. They were really generous in the amount they allocated to us, but we will likely have to find additional funds to complete all the work that is encompassed in this planning.

Councilmember Carvalho: I read in here that we submitted a larger amount. We got the eight hundred thousand dollars (\$800,000), which is great. I was trying to figure out what that amount was in case down the road we need additional funding, we can look at that collectively.

Mr. Roversi: I do not have that in front of me, but I would be happy to follow up.

Councilmember Carvalho: Okay, thank you.

Council Chair Kaneshiro: Adam, you mentioned that we may need additional funding. If I remember correctly, in the Housing Agency's budget, there was money for all these preliminary studies. How is this money used for that and does it free up that money or do we need more? It seemed like the money in the Housing Agency's budget for the preliminary studies was going to carry us over for the first year. If we get the eight hundred thousand dollars (\$800,000), how would this affect that money?

*(Councilmember DeCosta was noted as not present.)*

Mr. Roversi: You are correct. We have development funds budgeted for these two (2) planning projects. We consider this money supplemental to that. Because these funds will not complete all the necessary work, we will still likely need to utilize most of the budgeted funds to get these studies...especially the subsequent work that follows the studies with the 201H Application and the Land Use Commission Petition. We need to get that across the finish line and utilize the Development Fund budgeted funds.

Council Chair Kaneshiro: Is there a timeline for how quickly these moneys needs to be spent?

Mr. Roversi: I would need to follow up on the exact date. I think we have a good deal and flexibility over a period of a few years.

*(Councilmember DeCosta was noted as present.)*

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Adam, this is a clarifying question. We had a lot of series for community engagement meetings on the Waimea 400 Affordable Housing Master Plan. At the meeting held at the Waimea High School, there was a challenge brought up regarding the action plan of how they wanted the Waimea 400 housing acres to look like. I noticed you put that in the series of community engagement, and some of the engagements have already taken place.

Mr. Roversi: Certainly. I think we can think about the study for Waimea that is described in this item as a continuation of the the work that the Planning Department already did with the community. The Master Plan that was developed during the series of community meetings, charrettes, and so forth, was a vision for the entire four hundred (400) acre parcel for which areas would remain park land and what would be used for agriculture. In that Master Plan, the community designated approximately thirty-two (32) to thirty-three (33) acres for housing. There is not a specific design in that plan for what housing should look like, it is simply designated as an area for housing. The purpose for this plan is to drill down into the details specific to that thirty-two (32) to thirty-three (33) acre portion of the overall property. To get down into the nitty-gritty details of where roads need to go, how many units do we intend to build, do we want to do single-family homes or multi-family rental projects, what amount of water will we require or infrastructure required for that, how are we going to deal with wastewater, what is the subdivision map need to look like, et cetera. This is the next level of detail for that specific portion of the overall four hundred (400) acre project.

Councilmember DeCosta: Since you mentioned it, I know there is sewer out in Waimea, the sewer treatment plant is in Waimea. Is the sewer treatment plant capable of handling the housing development, or do we need to add funding into the infrastructure for the Waimea Wastewater Treatment Plant? I know there is a private landowner next to the Waimea 400 who wants to do workforce housing for teachers or people in the medical fields, being that there is four (4) major schools and the hospital in that area. Are we ready to get that sewer infrastructure up and running for this project?

Mr. Roversi: My preliminary understanding is that the sewer plant has sufficient capacity to deal with initial phases of the housing development. Like Lima Ola, we envisioned is that this project would happen in phases overtime. I believe that towards the end of the project to build out the entire area designated for housing, some capacity upgrades may be required at the sewer plant, both for the County full buildout and neighboring projects. We will know more details about that based on the study we are engaging in that will analyze existing

wastewater capacity and the projections of the additional wastewater capacity needed depending on the housing plan that the community develops. We do not have a crystal-clear answer to that, but we suspect at some point, additional capacity and work at the sewer plant will have to be undertaken.

Councilmember DeCosta: I am sorry to have all these questions, but I am excited to see the Westside get intellectual growth for the upcoming community. Adam, sewer is a hot topic. With the cesspool conversions happening by 2050, can we, or are we looking at expanding the sewer line to Kekaha? In the future, can we use this money to design a plan for future to not only handle the Waimea 400, but expand that to Kekaha. If we are talking about being environmentally friendly and taking care of our environment, we should get off septic and not force people to convert from cesspool if in five (5) to ten (10) years there will be sewer. Are we having that vision or “talk story” session with this type of funding?

Mr. Roversi: To be blunt, we had not encompassed this funding doing the feasibility study to bring sewer lines that far, but we can certainly engage in that discussion with the Wastewater Division to see if it is feasible.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, while the rules are still suspended, is there anyone in the audience or on Zoom wishing to testify?

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 final discussion from the Members? If not, the motion on the floor is to approve.

The motion to approve C 2022-257 was then put, and unanimously carried.

C 2022-258 Communication (10/20/2022) from the Deputy Director of Planning, transmitting the Public Access, Open Space, Natural Resources Preservation Fund Commission’s recommendation, A Bill For An Ordinance Amending Ordinance No. B-2022-886, As Amended, Relating To The Operating Budget Of The County Of Kaua’i, State Of Hawai’i, For The Fiscal Year July 1, 2022 Through June 30, 2023, By Revising The Amounts Estimated In The Public Access, Open Space, Natural Resources Preservation Fund.

Councilmember Kualii moved to receive C 2022-258 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: This is only the communication. Are there any questions from the Members? The presentation will come up later. Councilmember Chock.

Councilmember Chock: I will be recusing myself from this communication as well as the Bill, based on the 2015 Board of Ethics advisory. Thank you.

Council Chair Kaneshiro: You will be okay for now, this is just a communication, but when the Bill comes up, you can recuse yourself. Are there any questions from the Members? Is there anyone in the audience or on Zoom wishing to testify on this item?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? If not, the motion on the floor is to receive.

The motion to receive C 2022-258 for the record was then put, and unanimously carried.

#### CLAIMS:

C 2022-259 Communication (10/18/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Presley Wann, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2022-260 Communication (10/21/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Calvin B. Soares, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2022-259 and C 2022-260 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members? Is there anyone in the audience wishing to testify? I will suspend the rules. Lonnie.

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

Mr. Sykos: For the record, Lonnie Sykos. This may seem like a mundane housekeeping measure. From the public's perspective, every time we get sued, is an opportunity for us to have, with foresight, trying to prevent what it is we are being sued from, so that we save all our money. When these two (2) items come up, the obvious questions from the public: (1) Vehicle damages because of road issues. Did one of our vehicles drive into theirs, did we hit it with a

backhoe, et cetera. (2) The claim filed against the County for damage against personal property. Again, begs the question on whether this was completely an accidental act of God that occurred, or did the County do something that with hindsight should not have been done. We look at that not to find someone to beat up, but that is the only possible way you can prevent doing it in the future. As you go through these processes, we need to protect the County's pocketbook, but at the same time, we need to be fair with whoever is bringing the suit against us. From the public, the less of this that occurs, the better the operation of the County is, and happier the citizens will be who are not forced to sue us. Thank you.

Council Chair Kaneshiro: Is there anyone else? Is there anyone on Zoom?

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

Council Chair Kaneshiro: If not, is there any final discussion from the Members? Councilmember Chock.

Councilmember Chock: I will respond for the public's sake. When these items come through, they are here for us to receive, and forwarded to the Office of the County Attorney for review. We review all of our claims in Executive Session and process them as such, to determine if anything from training to policy changes need to occur. Thank you.

Council Chair Kaneshiro: Councilmember Cowden, do you have something?

Councilmember Cowden: I was basically going to say what Councilmember Chock said, a simple explanation that we do look at it. The testifier brought up an important question, but we do not deal with these in public.

*(Councilmember Chock was noted as not present.)*

Council Chair Kaneshiro: Is there any further discussion from the Members? I will say, these all vary from a pothole in the road causing vehicle damages. For the most part, I believe we deny those unless we have been notified of the specific pothole. If we have been notified of the pothole, they have a good claim. County vehicles bang other vehicles. Personal property, we see it all...someone mowing and a rock flies and hits a car. It runs a whole gamut. At this stage, it gets forwarded to the Office of the County Attorney. They go through the claims to determine if it is denied or settled. The settled claims go on the agenda and become public record.

The motion to refer C 2022-259 and C 2022-260 to the Office of the County Attorney for disposition and/or report back to the Council 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 Chock was noted as silent (not present), but shall be recorded as an affirmative for the motion).*



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

COMMITTEE REPORTS:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2022-06) submitted by the Public Works & Veterans Services Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2873, Draft 3 – A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING AND CONSTRUCTION REGULATIONS,”

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

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify? Are there any questions or discussion from the Members?

There being no one present to provide testimony, the meeting proceeded as follows:

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

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

PLANNING COMMITTEE:

A report (No. CR-PL 2022-17) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2860 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Kauai County Council, Applicant*),”

A report (No. CR-PL 2022-18) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2877 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE ZONING ORDINANCE), CHAPTER 12 (BUILDING CODE), AND CHAPTER 13 (ELECTRICAL CODE), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS FOR PARKING,”

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

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify? Are there any questions or discussion from the Members?

There being no one present to provide testimony, the meeting proceeded as follows:

*(Councilmember Chock was noted as present.)*

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

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

### **COMMITTEE OF THE WHOLE:**

A report (No. CR-COW 2022-19) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

"Bill No. 2887 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Tax Tiered Software-\$150,000*)),”

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

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify? Are there any questions or discussion from the Members?

There being no one present to provide testimony, the meeting proceeded as follows:

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

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

### **RESOLUTIONS:**

Resolution No. 2022-49 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Glenda Nogami Streufert – At-Large*)

Councilmember Kuali'i moved for adoption of Resolution No. 2022-49, seconded by Councilmember Carvahlo.

Council Chair Kaneshiro: Are there any questions from the Members on this appointment? If not, is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

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

The motion for adoption of Resolution No. 2022-49 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Resolution No. 2022-50 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Paul Endo*)

Councilmember Kualii moved for adoption of Resolution No. 2022-50, seconded by Councilmember Carvahlo.

Council Chair Kaneshiro: Are there any questions from the Members on this appointment? If not, is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

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

The motion for adoption of Resolution No. 2022-50 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Kaneshiro: Before we move on, we received a request from the Department of Public Works to move Resolution No. 2022-51 to come after Resolution No. 2022-52 and Resolution No. 2022-53. They requested for that change in order. Councilmembers, we are on Page 6, Resolution No. 2022-52.

There being no objections, Resolution No. 2022-52 was taken out of order.

Resolution No. 2022-52 – RESOLUTION ESTABLISHING A ROUNDABOUT AT THE INTERSECTION OF KAWAIHAU ROAD, HAU'A'ALA ROAD, AND MAILIHUNA ROAD; ESTABLISHING CROSSWALKS ON KAWAIHAU ROAD, HAU'A'ALA ROAD, MAILIHUNA ROAD, KOLOHALA ROAD, AND PELEHU ROAD; ESTABLISHING A LEFT TURN ONLY LANE ON KAWAIHAU ROAD, RESTRICTING LEFT TURN MOVEMENTS TO KAWAIHAU ROAD, ESTABLISHING BUS STOPS ON KAWAIHAU ROAD, AMENDING RESOLUTION NOS. 64 (1952), 68 (1952), 138 (1954), AND 65 (1952); AND REPEALING RESOLUTION NOS. 2001-048 AND 2011-060 IN THEIR ENTIRETY, KAWAIHAU DISTRICT, COUNTY OF KAUAI

Councilmember Kualifi moved for adoption of Resolution No. 2022-52, seconded by Councilmember Carvahlo.

Council Chair Kaneshiro: I believe the Department of Public Works has a presentation. I will suspend the rules. Michael Moule, will you be doing the presentation?

There being no objections, the rules were suspended.

MICHAEL MOULE, Chief of Engineering (*via remote technology*): Good morning, Councilmembers. Michael Moule, for the record, Department of Public Works, Chief of Engineering. Thank you for having us here today. I am going to do a quick presentation on this Resolution.

Council Chair Kaneshiro: We will let you go through the presentation and save our questions until the end.

Mr. Moule: Okay. Thank you, everyone. I am going to briefly present the project history for the Kawaihau, Hau'a'ala, Mailihuna complete streets and sidewalk project. This is the area that have been requesting concerns from residents, students, school officials, and others trying to seek improvements or solutions for improving walking, bicycling, and motor vehicle safety near Kapa'a Elementary School, Kapa'a High School, and St. Catherine's School. There is a lot of activity here during school areas, between the three (3) schools, as they are all close to each other. Back in October 2013, there was a public design charrette, public workshops were held with residents, students, school officials, and

stakeholders. This is a very comprehensive effort to look at the entire area near the schools from Kūhiō Highway on Mailihuna, Kawaihau, and Hau'a'ala Road, a little past the schools up Kawaihau Road. A lot of recommendations came out of that, and some of the recommendations have already been done. For example, the roundabout that the State built at Keālia at the intersection of Kūhiō Highway and Mailihuna Road came out of this project. It just so happens, the State had their bridge project and intersection improvement project. We worked with the State, and they included the roundabout. All the improvements on this project were based on the recommendations from the public at the 2013 workshops. This is a public-driven effort in this case. It was presented to the Council in 2015. There was a request from the Chair to learn more about the project, so we came to present to the then Council. Obviously, some Members are the same and some are different, where we shared a general presentation about the project. We had a public meeting to present the engineering design that was in this development in 2018. There was strong support from the public for the improvements. The project started construction last year, it is under construction now, as most of you probably are aware, and we are coming to you now for the official traffic control resolution to approve the mini roundabout and crosswalks in the area.

*(Councilmember Evslin was noted as not present.)*

This is the project limits and the map showing the area. You can see here, the East Kaua'i, Kawaihau, and lower Kapahi area. You can see an unusual road network. This intersection at the top, you have Mailihuna Road, Hau'a'ala Road, and Kawaihau Road, all that come up Kūhiō Highway in three (3) different spots—two (2) next to each other in Kapa'a Town and one (1) at the new roundabout at Keālia. They all come together at the top. The project includes the area highlighted in black, the upper portion of Mailihuna Road, a section of Kawaihau Road, and Iwaena Road from the existing boardwalk path built a few years ago from the highway. From there, it goes to this complex intersection, a little ways down Hau'a'ala Road in both directions, and approximately a block up Kawaihau Road.

On the right side is a map showing the official area for potential effect that we used for our environmental documents. It shows the State Highway highlighted in black, it is a little hard to see in the red, but that is the area of potential effect. Again, it is the upper part of Mailihuna, a big chunk of Kawaihau Road, a little of Iwaena Road, Hau'a'ala Road, and a little up the side road. This triangle is a park, it is a State-owned parcel, that is an Executive Order (EO) to the County for parks and transportation purposes, because this roundabout is going partially on that parcel. And this section of Kawaihau Road going *mauka* up towards Kapahi.

*(Councilmember Evslin was noted as present.)*

A quick project overview. In the upper left is the roundabout, it is sort of a peanut shape, we are calling it the “peanut-about.” Mailihuna Road to the upper right, Kawaihau Road to the right, Hau‘a‘ala Road top and bottom of this image, and Kawaihau Road to the left. We are putting in sidewalks. There is a picture of sidewalks under construction of Mailihuna Road, we built sidewalks on portions of Kawaihau Road, and we still have more to go. These are examples of beacons of that are being installed as part of the project, and we are installing bus stops with shelters. Most of the bus stops are where they have been, but slightly adjusted, and you will see that in the Resolution.

Now, the details of the Resolution. This is a summary of what is in the actual text and images in the Resolution. The main thing is the roundabout, the peanut-about, at the intersection of Kawaihau Road, Hau‘a‘ala Road, and Mailihuna Road. All five (5) legs will have yield signs on the entry that is included in the Resolution. We are establishing crosswalks in several locations, including all five (5) legs of the roundabout. In addition, three (3) other crosswalks on Kawaihau Road and two (2) crosswalks on Mailihuna Road are being established. As the sidewalks are going along Mailihuna and Kawaihau Road are occurring, there are a few streets that sidewalks are crossing, we are establishing crosswalks across those streets on Pelehū Road and Kolohala Road.

A left-turn-only lane already exists up Kawaihau Road for turning into the Kapa‘a Elementary School pickup and dropoff area, but there was no resolution that we could find, so we are establishing that left-turn lane into this and it may be changing a little. What we are establishing is a prohibition of left-turn movements from the same Kapa‘a Elementary School pickup and dropoff area. I will show you that on the map, but we think that will help to reduce congestion. The nice thing about the roundabout is that it makes it really easy for you to turn right out of that driveway to make a U-turn or to access Mailihuna Road or Hau‘a‘ala Road instead of going back through the congested area at Kapa‘a Elementary School after dropping off or picking up their children. We are doing slight adjustments to the bus stops on Kawaihau Road as far as locations go to fit in better with the design.

These are images from the Resolution that you have. This shows everything I just talked about. This is the roundabout with the five (5) yield signs, one (1) for every approach. Five (5) pedestrian crosswalks, one (1) for each approach. This is where the new crosswalks across Mailihuna Road. This is the new crosswalk across Kolohala Road, because the sidewalk continues to here. We are not continuing the sidewalk further down Mailihuna, but there will be a paved shoulder. The primary new sidewalk will be on this side, so we are putting a crosswalk here across Mailihuna. Down here, you will see a crosswalk across Pelehū Road, because there is a sidewalk that continues *mauka* on Kawaihau Road across the schools.

The next image shows the area in front of Kapa'a Elementary School on Kawaihau Road with two (2) pedestrian crosswalks. There are crosswalks in this area that are being slightly adjusted, or they were, that is being established. These two (2) bus stops are moving a little and being established as part of the Resolution. As I previously mentioned, this is a left-turn-only lane into the school that exists, but we are formally putting that into the Resolution, which was not done before. This yield with no left turn, there is a median blocking that left. You make the right out of there, go up to the roundabout, and either come back down Kawaihau or more efficiently, go down Hau'a'ala Road to get down to Kapa'a Town or down Mailihuna Road to go North on Kūhiō Highway.

This is the second to the last image. There is another crosswalk here. There is an existing bus stop across the Mahelona driveway. I am not sure if there is a shelter already there that may have been recently installed, if not, we are adding a shelter there. I think we are only establishing the crosswalk; the shelter already exists, if I recall correctly. That crosswalk did not exist before. We are improving the sidewalk on this side and adding a crosswalk. This crosswalk exists at Nunu Road.

Lastly, there is an existing crosswalk at Mailihuna Road. It is not far from the gym, which is here. This new crosswalk at the very end of the new sidewalk, the sidewalk is going to go along the frontage down to the last parking lot entrance near the field to the school. At that point, there will be a crosswalk to help pedestrians to get across the street because there is an existing older sidewalk leading down to Keālia on the side of the road. This gets people across from the school to that crosswalk at the end of our new sidewalk that is on the school side.

I should add that the plan is for all the crosswalks that are not at a stop sign or a yield sign to have the rectangular rapid flashing beacons (RRFBs). I mentioned the flashing beacons in my presentation a moment ago. Several areas on Mailihuna Road will have flashing beacons. These two (2) already have flashing beacons and we will keep those in place. The ones at the roundabout will not. Flashing beacons are not needed at roundabout crosswalks because the speeds are forced to be slowed by the geometry of the roundabout. That is the Resolution. I think that is the last slide of this image and I will be glad to take any questions or show the actual Resolution text if you want to see that. That is the presentation if you have any questions.

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

Councilmember Cowden:                      I have a few simple questions. The triangle park area. It is on the first project limits and maps. It is in the redlined area. Right across from there is the Samuel Mahelona Memorial Hospital (SMMH), they are going to be doing a lot of State improvements. I would imagine that you are

integrating this plan with inroads et cetera, because I know they are going to be potentially changing the road structure in that area. Is this all being synchronized with the State when they are doing that plan?

Mr. Moule: Good question. As you stated, SMMH, the State is working on a master plan for that. We have been involved in some of those meetings. They are regularly scheduling meetings with Public Works and other departments to get our input on this. Often, our input has been around the traffic, school access, and pedestrian issues. We are also evaluating issues related to grading, et cetera, but the primary thing is the traffic and school access issues. We think that this plan sits well with those efforts. It is an unusual situation where there is a State-owned road that exists. Nunu Road near the exit of Kapa'a Elementary School, that looks like a road that divides and separates Kapa'a Elementary School from SMMH, and it continues across Kawaihau Road into a neighborhood. The part in the neighborhood is County, but the part between the two (2) State owned properties, Kapa'a Elementary School and SMMH, is State. We are doing improvements at the intersection, but we are not doing anything down that road. They are talking about ways to enhance and deal with the fact that you have school traffic and parking that exist on that road adjacent to SMMH, and they are trying to do things with their project to manage that. There are a lot of discussions on that effort about possible new road and pedestrian connections and we are making comments on that during their efforts. We do not think any work we are doing on Kawaihau Road will not work with their plan. If anything changes with their plan and intersections...for example, there might be improvements to the road intersection at the main access points on Kawaihau Road that might require changes to the physical things we are building. We do not have a change in the physical things we are building and how it is today.

Councilmember Cowden: I noticed on one of their possibilities that the triangle park, which is a State park, and Iwaena Road might get absorbed into their property. Just as long as we are not doing double work.

Mr. Moule: I do not think that parcel is State. I can double check, but I am pretty sure that the triangle park is...I know it is a County park. Maybe it is State land that is an EO to the County. I think that is a County park, but I can check that.

Councilmember Cowden: Recently, I had a meeting with them, we were looking at that, and specifically talking about that park. That park might have different opportunities for use. I want to say thank you...go ahead.

Mr. Moule: You are right. It is owned by the State. I believe it is currently being maintained by the County, although the Department of Parks & Recreation would have to confirm that. I think that park is called Gore



Park. It is listed on the County website as a County park, so I suspect there is an EO to the County for the time being. That may change in the future.

Councilmember Cowden: You might want to look in that area if we are repaving or doing anything down there before we do that to ensure we are in alignment. I want to say thank you for the flashing beacons. I have another question. On Sheet 2 of Exhibit "A," it is Kawaihau Road where it is coming out at an angle. It has a barrier, the median in the road, so you can only turn right as opposed to turning left. I am sure you have done a traffic study, so you might help alleviate what I am thinking. Cars that normally turn left out of the school, if they have to go right, they are passing a bus stop, and going through the peanut-about; it might add additional congestion to the peanut-about. As I was coming to work this morning, it took me one (1) hour and fifteen (15) minutes from Kīlauea. Part of the reason was at North Kapa'a, as you are entering into Keālia, there can be congestion around the roundabouts and peanut-about. I like them and support them, but it looks like we are forcing extra congestion onto the peanut-about. If we did not make the median go so far, I do not see why we cannot allow a left-hand turn. I think you would end up with less congestion in the area. What is the thought process?

Mr. Moule: The thought process for that is because the worse congestion that happens at schools is right around the pickup and dropoff areas, rather than at the intersections. If there is congestion in the intersections, it is often caused by the congestion at the pickup and dropoff area. The challenge with this is, if you allow left turns out of this driveway, that left-hand turn will be very hard to make because you are going to have continuous traffic in both directions in front of the school. You are trying to make a left turn across one lane and into the other the lane when both lanes are full of cars. It is a difficult maneuver to make because you have to look in both directions to find a gap before you can go. That will back up all the traffic into the pickup and dropoff area, and not allowing that to clear. The traffic you are trying to clear is getting into the pickup and dropoff area from Kawaihau Road. We think that there will be less congestion because the roundabout is not the problem. It is the pickup and dropoff zones that is the problem during school hours. This issue can be challenging if the backup from the pickup and dropoff backs into the roundabout, that is when the roundabout becomes really congested. We are trying to avoid that and make the pickup and dropoff action go smoothly by forcing the right turn out of this area. We believe that is more of a congestion concern during those specific times, school arrival and dismissals, than the roundabout itself.

Councilmember Cowden: Okay, I will defer to your knowledge. I bet, and we will see, as all these cars are streaming out to the right, we are going to have double the amount going right than we would normally have. It is possible that there will be congestion at the peanut-about that has five (5) vectors. It looks

like if it is a wrong piece, we can always take it out later, if it is a problem. Is that true?

Mr. Moule: If that is an issue, we can open it back up if we think it will improve the situation. My biggest concern is that the traffic down Kawaihau Road trying to get into the left-turn lane backs up into the roundabout and is what locks the roundabout up. We want to clear the traffic around the area near the drop off. We can evaluate it. The schools worked with us closely. If they are experiencing problems on their street, they will contact us, especially after a project like this.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Mike. I have a few questions. Do you plan to put solar or regular lights at the bus stops for at night? I am a little worried that people sit at the bus stops at night and there are no lights.

Mr. Moule: The bus shelters have lights built into them.

Councilmember DeCosta: Okay. Mike, the reason I am asking this is, I know there is an area in Kalāheo with a bus stop that does not have built-in lights. I want to clarify that these bus stops will. Secondly, the beacon lights are very important. The question I am asking is, if the Department of Education (DOE) has a school, how do we determine that the crosswalk is placed at the school? Do we put one in because it is a County road, or is it not put in because it is a State road? The reason I am asking, I brought this up, and this is the only time we can talk about it. There are schools that do not have crosswalks that lead out of subdivisions, I know we have it here. How do we come up with that plan to have a crosswalk the school that is coming out of a subdivision? Do we monitor the number of children that come out of the school, or is it mandatory that no matter what subdivision you have there needs to be a crosswalk? Are you able to clarify this?

Mr. Moule: If we are looking at a school and trying to address pedestrian access to the school, we try to ensure that we have good access to the school, and to include crosswalks across the roads to get there. If there is a specific location of a school that the public or Council wants to look at, they can contact our office or email [pwengineering@kauai.gov](mailto:pwengineering@kauai.gov), and ask us to look at those situations. We are not always looking at every school on a proactive basis, but if we get contacted from the school, residents, or the Council asking us to look at an area, we will do that. Typically, we would evaluate the situation. If there is an inquiry where children are coming from a subdivision to school, we will work as best as we can to provide a safe access. If that street is big enough, we will put in a crosswalk.

In school areas, our threshold is lower for putting in flashing beacons. That is our procedure, and I cannot speak to what the State does for State routes. Not every road is obvious on what is State or County to the public. For County roads, we take those requests seriously, look at those, and when it is possible, we add crosswalks. We need to create a project for it. It requires more than just putting in stripes. We have to at least put in a concrete pad if there is not any sidewalk and a landing. In the past, we have done this before at Kekaha Elementary School, where we added crosswalks and flashing beacons with small concrete pads.

Councilmember DeCosta: Thank you, Mike.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Mike, I wanted to clarify. I know Councilmember DeCosta mentioned it, but coming up Mailihuna Road, every new crosswalk will have beacons, right?

Mr. Moule: Yes.

Councilmember Carvalho: As you are coming up Mailihuna, the first one is on the right in the parking lot area. On Pelehū Road and Nunu Road right off Kawaihau Road, I received numerous concerns from residents who live in that neighborhood. A lot of time cars utilize that area to bypass the school and go around in that area. There is a lot of speeding happening. Is there a way to put signage to control speeding in that area? What are we doing in that area? I know for a fact that people use Pelehū Road and Nunu Road as a bypass and come out by Mailihuna Road. Was there any discussion on that to put up signage for cars?

Mr. Moule: We can check on that. I can have my staff look into that to ensure that we have the appropriate speed limit signs on Pelehū Road and Nunu Road. We would not include that in this project, because it is outside the Area Potential of Effect (APE) threshold area, but we can have County staff install signs if we do not have the appropriate signs. I believe both of those roads have an existing twenty-five (25) mile per hour (MPH) speed limit. We can check the speed limit through previous Council resolutions and make sure the signs are appropriate.

Councilmember Carvalho: My point is, the peanut-about is an awesome project, but a lot of the off-street parts tie into it, so they matter. I want to make sure that we connect that. At Kolohala Road, by the big plum tree, in the peanut about, will there be lighting like how you had it lighting down Mailihuna and the main highway? The residents were asking that question too.

Mr. Moule: I believe we are planning to have lights on the power poles that are around the intersection, and I believe the lights are already there. I do not think we are adding new poles with lights for this project, but there are several power poles that are being moved a bit as part of this project and transferring to locations that light the approaches to the roundabout. We can double-check on that.

Councilmember Carvalho: The lighting down Mailihuna and on the main highway works well. Lastly, the connecting of the coastal path. When you come up the coastal path, across the main highway, Kawaihau Road, and you come up the boardwalk, you can connect around to the school on the new walking and biking path. That is a good addition to continue that opportunity to walk.

Mr. Moule: That is right. I mentioned in the project overview that we are looking at five- to eight-foot sidewalks. On the wider side, the eight-foot, is the one that connects from the top of the boardwalk all the way to and through the roundabout on the school side of Kawaihau Road. It is an eight-foot-wide sidewalk. It is not going to be signed as a bicycle path per se. By State and County law, riding on the sidewalk is allowed, and it is anticipated that elementary school children will be riding on the sidewalk. We made that sidewalk eight-feet in part because we expect a number of school children riding and sharing that space with pedestrians. The reason why we made it eight-feet is because it is the main connection for Kapa'a Town. We will hopefully expect to have more pedestrians walking to school and you want it to be wider.

Councilmember Carvalho: Okay, thank you.

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

Councilmember Kualii: Mike, regarding the part you were just talking about. Is the sidewalk going to be in front of SMMH? When you get to the triangle park and Iwaena Road, will the sidewalk come across Iwaena Road?

Mr. Moule: Yes.

Councilmember Kualii: Especially there, to Councilmember Cowden's point, even though it is not necessarily the triangle part, but that part of SMMH, they had different ideas for that. I know the part alongside Kawaihau Road and in the frontage of the new master plan, the three (3) designs have different facilities, community health centers, services, the new way of putting the building close to the street with parking in the back, and so the sidewalk will make sense there. I think they even have green space, so it will be fine there. I think you

should follow up with the little piece along Iwaena Road and what is happening there, because I did not see it in the plan.

Mr. Moule: Thank you for bringing that up. I will answer that by saying that while the triangle park is State property, Iwaena Road is a County right-of-way. The roadway and the eight-foot-wide sidewalk along Iwaena Road are in County rights-of-ways, and we have jurisdiction over that.

Councilmember Kualii: So, you have enough space?

Mr. Moule: Yes, we have enough space. If there are changes to be made or proposed by the State that need to be coordinated with the County, whoever is at the County at the time when that is being proposed or planned, would need to approve any changes made to that area. If I am here, myself and successors would advocate or push for that connection to stay where it is, so that people can go up the boardwalk and connect directly to the school.

Councilmember Kualii: Okay, thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a quick follow-up. I recommend that you reach out to Representative Nadine K. Nakamura's office and ask for a diagram of the three (3) potential plans. Only one (1) diagram deeply impacts that area, but you might as well look at it, because I think it changes that area.

Mr. Moule: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, while the rules are still suspended, is there anyone in the audience wishing to testify? Lonnie.

Mr. Sykos: For the record, Lonnie Sykos. Mike, thank you very much. I have been watching this for eleven (11) years. I think you were a relatively new employee when this project was starting. I think you folks have been doing a tremendous job. For the public, we scratch our heads as to why it takes so long to accomplish things, but I think it is just the nature of the beast. I think the County has done a really good job with the amount of planning that has gone into this. I drive through that area often. I have attended things at the Kapa'a Elementary School and I am familiar with that left-hand turn. It is basically a suicide run trying to get out of Kapa'a Elementary School trying to turn left. Yes, it will push more traffic into the roundabout, but tip of the hat, because I think that is the best solution for that area. It is very impressive to listen to them, they have done a really good job, and they have demonstrated that they are extremely

competent. It is really great to see this finally coming to fruition and is going to be built. I am also very impressed by them putting the effort into making the crosswalks as safe as possible. That is an increasing issue with pedestrians getting hit at crosswalks. I am very appreciative of not only this project, but when you drive around the island, you see more and more crosswalks that have electronic markers. Thank you very much, Mike, to you and everyone in your department, and to the Mayor and the Administration for doing a good job. Thank you.

Council Chair Kaneshiro: Is there anyone else wishing to testify? Is there anyone on Zoom? 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: Councilmember Kualifi.

Councilmember Kualifi: I wanted to say *mahalo nui loa* to everyone involved. I think this is really exciting, the plans are beautiful, and it is making major improvements. Even now and as you are driving by, it is really nice to see it taking shape. I am pretty sure that Bev Brody and Get Fit Kaua'i are super happy, including all of the people promoting Safe Routes To School over the years. It is a long time in the making and it is great.

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

Councilmember DeCosta: I am a firm believer of roundabouts when they are done the right way with the size, and not having the curb kept at a ninety-degree angle, but having the roundabout rounded like near Elsie H. Wilcox Elementary School. For the record, I would have liked to see a roundabout in Waimea instead of the traffic light. We need roundabouts because it helps the flow of traffic. Thank you, Mike and Public Works, for that great design plan.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I will be very brief. I also want to say thank you to the whole team and it is making a big difference. Last night, Michael Moule and his team were at Kilauea Neighborhood Center looking at our series of roundabouts that are being built. I want to honor the kind and caring strategy you use with the community. It makes a big difference.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Michael, and your team. In the past, I used that boardwalk regularly going down the hill connecting to Kapa'a Town. It is surprising how little pedestrian connectivity there is in Kapa'a Town, residential areas, schools, and the boardwalk itself is disconnected from everything else. I think we are helping to pull everything together to ensure traffic flow and throughout the area—through the boardwalk and through Kapa'a Town, which I think will make a tremendous difference in people's lives. It is great to see the rapid progress on the peanut-about and I am excited to see what it looks like when it is done. Thank you.

Council Chair Kaneshiro: With that, roll call vote.

The motion for adoption of Resolution No. 2022-52 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Resolution No. 2022-53 – RESOLUTION ESTABLISHING ROUNDABOUTS AT THE INTERSECTIONS OF PO'IPU ROAD AND KOLOA ROAD; PO'IPU ROAD, LAWA'I ROAD, AND ALA KALANIKAUMAKA; PO'IPU ROAD AND KIAHUNA PLANTATION DRIVE; AND PO'IPU ROAD, ALA KINOIKI, AND PE'E ROAD; ESTABLISHING CROSSWALKS ON PO'IPU ROAD, KOLOA ROAD, WAIKOMO ROAD, PA'ANAU ROAD, ALA KALANIKAUMAKA, LAWA'I ROAD, KUKONA A LA'A STREET, KAPILI ROAD, KIAHUNA PLANTATION DRIVE, HOAKA STREET, HO'OWILI ROAD, KIPUKA STREET, ALA KINOIKI, PE'E ROAD, LOKE ROAD, AND KELEKA ROAD; ESTABLISHING A TWO-WAY LEFT-TURN LANE AND LEFT-TURN-ONLY LANES ON PO'IPU ROAD; ESTABLISHING RIGHT-TURN-ONLY AND LEFT-TURN-ONLY LANES ON KAPILI ROAD AND HO'OWILI ROAD; PROHIBITING LEFT TURN MOVEMENTS FROM A PRIVATE DRIVEWAY TO PO'IPU ROAD; ESTABLISHING BIKE LANES ON PO'IPU ROAD; ESTABLISHING BUS STOPS ON PO'IPU ROAD; ESTABLISHING A STOP SIGN ON HOAKA STREET, AMENDING RESOLUTION 64 (1952); AND REPEALING RESOLUTION NOS. 49 (1957), 67-93, AND 2010-41 IN THEIR ENTIRETY KOLOA DISTRICT, COUNTY OF KAUAI

Councilmember Kualii moved for adoption of Resolution No. 2022-53, seconded by Councilmember Carvahlo.

Council Chair Kaneshiro: With that, I will suspend the rules. Mike, I know you have a presentation on this. You can go through it briefly. We have the maps. I know that there are a lot of bike stops, bike lanes, and crosswalks.

There being no objections, the rules were suspended.

Mr. Moule: Michael Moule, for the record, Chief of the Engineering Division. This is the Po'ipū Road Safety and Mobility Project. I will try to go through this briefly. We presented this project to you generally in the spring, as we asked for your permission to apply for, receive, and expend the Rebuilding American Infrastructure for Sustainability and Equity (RAISE) Grant that we received. As you are all aware, we received almost a twenty-five million dollar (\$25,000,000) grant for this project, which is going to allow us to build this project on schedule, starting the estimated Summer 2024. It will also allow us to take the funds that we were already allocated for this project, other Federal funds, and reallocate them to other projects on the island.

A brief history. It is very similar to the Kawaihau project that we just talked about. There were a series of community workshops called charrettes back in May 2013. The South Kaua'i Community Plan was adopted in 2015 and it included this project. Most importantly, we had three (3) meetings looking solely at preliminary designs. We went to the public with the preliminary design after we developed that with the consultant. It was based entirely on what came out of the workshops in 2013. Both happened to be preCOVID-19. We had one in December with resort owners, management, and the property owner, one with the public in January 2020, and last with other business interests with retailers and landowners. Those were all successful and we were able to confirm they liked the plan that was presented at that time.

I am sorry, I pulled up the wrong slide. My apologies. A little more on this project history. I was talking about the RAISE Grant. As I mentioned before, we applied for three (3) Federal grants, one (1) each year. The program was called BUILD in 2020. Every time we went to the Council for approval to apply, receive, and expend those funds in 2021 and 2022...I am sorry about that, a brief delay, it was the wrong presentation. The project location is an area on the Southside of the island, Po'ipū—Kōloa area. It is actually bigger than that. The project site is here. This is Kōloa Town, this is Kōloa Road connected to Kōloa Town. The highlighted is Po'ipū Road down to the existing roundabout at The Shops at Kukui'ula. This goes across almost to the Grand Hyatt Kaua'i, it includes what we call the "town portion," the North—South portion here, and we are calling this section the "resort portion." This project serves visitors and residents alike.

Briefly, this is a summary of what is on the project. I will start with the sidewalk pieces. We are planning for sidewalks on both sides of the road from Kōloa



Road down to Blake Lane, and east past Koae Affordable Housing down to the roundabout. The shuttle will pick up on both sides north of the existing roundabout and will continue both sides all the way across Kīpuka Street or Wiliwili Tract. It switches to the south side because there is no development on the north side all the way to the Grand Hyatt Kauaʻi.

Bus stops. The bus currently does a loop. It goes down Poʻipū Road, turns left at the bypass road, and up the bypass road to Kōloa. For this project, the bus will go both ways on Poʻipū Road, which will make it better to serve the businesses, residents, Koae Affordable Housing Project, Paʻanau Village, and Kōloa Elementary School. Regarding the bus stops, some of them are being moved, removed, or added, but this has been worked out with Kauaʻi Bus to fit into their shuttle plans.

Roundabouts. There is an existing roundabout here at The Shops at Kukuiʻula, a new roundabout at the Kōloa Road intersection, and two (2) more down in the resort area; one (1) at Kiahuna Plantation Drive at the driveway to Kiahuna Plantation Resort, and one (1) at Ala Kinoiki and Peʻe Road.

We are also adding bike lanes to the entire length of Poʻipū Road, from Kōloa Road all the way down to the Grand Hyatt Kauaʻi.

Crosswalks. Crosswalks are being added into this Resolution. Crosswalks are being added to serve bus stops and intersection locations. Through the resort section here, we are ensuring that every location that you can make a left-turn off of Poʻipū Road will have a left-turn lane unless it is a roundabout.

The Traffic Resolution. All these things fit in with that map. I talked about the four (4) roundabouts that turn up the existing road at Lāwaʻi Road and Ala Kalanikaumaka, which were not previously included, but will be added into the Resolution. The two (2) left-turn lanes near the fire station does not have a Resolution, so we are adding it. Left-turn lanes will be added to all intersections and all driveways within the resort section. Again, some of those exist today, but there is no Resolution, so we are including it into this Resolution. There are two (2) minor roads. Kapili Road that goes up to the Sheraton Kauaʻi Resort. That road already has turn lanes as you approach Poʻipū Road, but no Resolution, so we are adding that here. Hoʻowili Road, which is the road to Poʻipū Beach Park, does not have separate left-turn lanes right now, it splits as you get to the intersection, but we are making that longer to manage the congestion.

Another no-left-turn prohibition similar to what we talked about in the last Resolution. There is a private driveway that is close to the roundabout at Ala Kinoiki. We think it is both safer and more efficient to turn right out of there, go around the roundabout, and come back around. It is actually much closer to the

roundabout than what we talked about regarding the elementary school driveway on Kawaihau Road.

Hoaka Street does not exist yet as a street. It is a little complicated, but the last phase is somewhat new. The Knudsen Trust has proposed Hoaka Street as a new access road, near, but not exactly where the current access is to the Po'ipū Beach Athletic Club to provide access to the subdivision they built behind the Po'ipū Beach Athletic Club. In talking to them, they are anticipating building that new road connection at some point during our project. We want to put in that stop sign as part of this Resolution, so when we implement this project, we think that will be there, and we want to have that stop sign as approved by you now.

I am not going to go through all of these in detail, but this shows all the marked crosswalks. All legs of the roundabout. There are seven (7) new crosswalks across Po'ipū Road that are roads or driveways that intersect with Po'ipū Road. That is what this is, I am not going to try and read all of them, you have it in your information.

Bicycle lanes are almost the full length of Po'ipū Road. The area already has bike lanes approved by you in a Resolution for the Kōloa Elementary School, Safe Routes To School Project, which included bike lanes from Kōloa Road down to five hundred eighty (580) feet south of Pa'anau Road. This Resolution picked up at that location and continued south.

Bus stops. Again, I am not going to try and read all of this. If you have a question about a specific bus stop, I will be glad to show you what is what. Bus stops on both sides in most locations, the only location that will not be on both sides is right when you approach the roundabout at Ala Konoiki because the buses will turn around there. It does not make sense to have a both sides of the road at the same intersection when the buses are literally turning around at that location.

Here is the map. I am not going to go through all these maps at this time. There is twenty-one (21) of them. I will be glad to bring up an individual map if you want to see a specific location to identify where we plan to put it in. That is all I have for now and I am available for questions.

Council Chair Kaneshiro: We have a minute or two left. I will say we will take one (1) question for now and we need to take a caption break. I know Councilmember DeCosta raised his hand.

Councilmember DeCosta: Hi Mike, thank you for the detailed presentation. I have a compound question. These sidewalks that we are allowing to happen with the bikes, are we in discussion with the hotels now that we are putting in funding to create a walkable, bikeable, and somewhat tourist destination town.

Are we collaborating with them and the tourist industry to have the tourists use these facilities that we are putting all this money into, or are they going to be driving their vehicles? Secondly, the sidewalks for biking, is that for electric bikes or pedal bikes only?

Mr. Moule: Good questions. As far as the first question relating to tourists using these areas, I live on the Southside and regularly travel Po'ipū Road. There are already a lot of tourists walking on the existing paved shoulders of Po'ipū Road. I think that will increase dramatically once there is a safer pedestrian facility. It is not in this Resolution, but the County...not just us in Public Works, but Planning and the Office of Economic Development (OED), regularly work with resorts on their transportation issues. There is a lot of work we can do directly on this, but we are generally working to provide better...the reason we are changing the bus pattern is so that the bus can be more usable by both residents and visitors in the area. There are also efforts to work with resorts to have their own shuttles, so people do not have to rent a car at the airport and drive everywhere. Shuttling to their hotels, renting a car the day they need it, and walking or biking in this area. I think this project will go a long way to making it more feasible and more powerful for resorts to say, "Yes, this does make more sense," and to have more cars at resorts, or carshare, where someone picks up a car for the day. You do not see that happening a lot right now on Kaua'i, but we think that this project will help with that. Regarding the electric bike question, that is managed by State laws. We do not have any specific laws on what counts as a bike or electric bike. During the break, I can look to confirm exactly what the law says on that. There was a law passed by the Legislature two (2) or three (3) years ago to classify certain lower powered electric bikes as bicycles, so that they can use bike facilities like bike lanes. On the other hand, they have things that look very similar that have pedals, can be pedaled, and are much faster. Technically, it would be classified as mopeds. I believe in that case, those would not be allowed to use the bike lanes in the current law. They often travel with the speed limit on the road, so honestly, it is not that important for those cases. That is more of a State issue with respect to the regulation of those different devices than vehicles.

Councilmember DeCosta: Thank you, Mike.

Council Chair Kaneshiro: With that, we will take our caption break. When we come back, Councilmember Cowden has some questions. Ten-minute caption break.

There being no objections, the meeting recessed at 10:32 a.m.

The meeting reconvened at 10:42 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are still on questions, Councilmember Cowden.

Councilmember Cowden: Is Hoaka Street near the Wastewater Treatment Plant? There are twenty-one (21) pages. Can you tell me which sheet of Exhibit "A" Hoaka Street is on? It is the one you said is being added. The reason I am asking is because we have a concentration of density on Kiahuna Plantation Road that is increasing. I have had concerns about emergency evacuation particularly if we have multiple weather events. I am trying to see where Hoaka Road is, and if that is the little piece near the Wastewater Treatment Plant. Where would I find Hoaka Road?

Mr. Moule: Thank you for your question. This is the overview map. It is not labeled. There are three (3) big intersections. Ala Kalanikaumaka and Lāwa'i Road intersecting with Po'ipū Road. Kiahuna Plantation Drive is right here. Ala Konoiki is the proper name, often called the Kōloa Bypass Road. The roundabout is here. Right here, is the current entrance to the Po'ipū Beach Athletic Club and Hoaka Street would be there. The Wastewater Treatment Plant is on the other side of Kiahuna Plantation Drive.

Councilmember Cowden: When you are answering about Hoaka Street, it is not going to add exit capacity from the Kiahuna Plantation Road. I am worried about the exit capacity.

Mr. Moule: Kiahuna Plantation Drive is where the roundabout that you see on the screen now is proposed. That roundabout will add exit capacity for Kiahuna Plantation. You will no longer have to deal with the stop sign that is there today. Hoaka Street is on the next sheet to the east. This is the bus stops right next to the roundabout, it will continue east to the top here, and it continues to the bottom. This is the proposed Hoaka Street that is drawn in. Right here, is the old Hapa Road or Hapa Trail right-of-way. Currently, the access to the Po'ipū Beach Athletic Club comes into the old Hapa Road entrance, and jogs over to the right to go east to the Po'ipū Beach Athletic Club. The proposed plan is to remove that current access there, and move it to the east, so that it is on the parcel under Knudsen Trust jurisdiction and will connect back to the new subdivision. That street will double as both the access to the Po'ipū Beach Athletic Club and to the subdivision. Hapa Road will effectively lead down to a trail and connect with the sidewalk on Po'ipū Road. It is very close to where one of the crosswalks across Po'ipū Road and is part of the project. I think this one already exists in this location, but we are keeping it there as part of the project.

Councilmember Cowden: When you say that it crosses into the subdivision, when there is contention in area as they are building new development,

I know part of it is the congestion on the road. Are you talking about the same subdivision and is it going to touch Kiahuna Plantation Road?

Mr. Moule: It is not. There are a lot of entryways to this. Originally, this Village at Po'ipū subdivision behind the Po'ipū Beach Athletic Club did propose to cross Hapa Road to access Kiahuna Plantation Drive. That is not occurring now due to a lawsuit between private entities and Knudsen Trust. I do not know the details of the lawsuit expect for the fact that they are not trying to cross Hapa Road. They already have plans drawn to connect Hoaka Street at this location. We understand that they are looking to move forward with this plan around the time we do this project.

Councilmember Cowden: Okay. I know some of the community that are concerned is watching, so I am hoping they do their own testimony. A few more questions. When there have been commitments from developers to help pay for some of the buildings, when we get this grant, that is allowing us to have more money to do other things. I will let other people ask questions, but it will not remove the economic obligation they might have that can be put into a big "kitty." This money here is what we are getting from the Federal grant. Is that correct?

Mr. Moule: Yes. Any obligations from developers...in fact, there has been some development fees in the Capital Improvement Projects (CIP) Budget for Kōloa and Po'ipū intersection improvements that are being incorporated as part of the County match to this project. The Federal funds that come from the Federal government are not changing any private obligations relating to roads in Po'ipū and Kōloa. The County has matched the Federal funds, part of which is coming from existing CIP and another part from development funds. I am not the financial person, so I am not the expert on how those funds came in or are being used. I believe there are CIP and development funds moneys for this project, and the rest of the match we presented to you in the spring would come from the General Excise Tax (GET).

Councilmember Cowden: Okay. Now I have a truck driver question that would also affect the Kapa'a piece, but in particular here. The concern is the way the shapes are for the roundabouts. If it is a big truck with a square curb...I hope, I am getting this right. If there is a square curb, as multiple trucks are going around, I guess it can blow out the sidewall of the tire. What can I say to the people watching relative to how it impacts the sidewalls of the tires?

Mr. Moule: Good question. The truck apron, which you can see on this image...This is the overall roundabout. This is where cars will be driving, the center part here would be green, and there will be a center feature. This part here is the truck apron, it is not colored, because it is an exhibit for the Resolution. This small curb is on the outside of the truck apron and is the issue

that you are talking about. The truck apron curb...we have used several different kinds for Kaua'i trying to find the best one. The challenge is that it has to be tall enough and abrupt enough to keep people in passenger cars and lifted trucks from going straight over the top. If not, they will go through the roundabout way too fast. It needs to be mountable enough that we do not get tire problems. We definitely got complaints about the roundabout on Hardy Street, including from the Kaua'i Fire Department (KFD) on how it affects their tires. We are not going with an abrupt curb like that. I will say, I am aware of a roundabout on Maui where the transition is too smooth. With the low curb similar to the roundabout at Chiefess Kamakahelei Middle School on Nuhou Street, it is a flatter curve where people go over that at full speed because they can. That is what people do in their passenger cars. We are looking at a rolled curb design that is high enough and sharp enough with the rolled curbs to address speeding over the top, but still manageable for the trucks. The new roundabout on Kōloa Road is like that. The design has a rounded edge, but abrupt enough that people will not be encouraged to go flying over it.

Councilmember Cowden: If there is semitruck pulling a container, what is needed for an eighteen-wheeler? Off the top of your head, do you know the diameter of the circle?

Mr. Moule: I should know this off the top of my head. I do not remember the exact diameter, but I can look it up in a moment. The existing roundabout on Po'ipū Road and Ala Kalanikaumaka is the largest roundabout on island. The roundabout at Ala Kalanikaumaka is a little smaller than the one we just built. These are going to be a little smaller than that, but they are going to be bigger than the one on Hardy Street. These will allow for a truck pulling a container to make a U-turn or a left-turn. We want room for a roundabout and to have space in the center for landscaping.

Councilmember Cowden: Have you reached out directly to any of the hauling companies? That might be helpful. Have you spoken to them directly?

Mr. Moule: Not specifically about this project and roundabouts. In the past, we worked with them and tested the Chiefess Kamakahelei Middle School roundabout. I believe the sides of the roundabout are similar. We met with them in the field, tested them with their trucks to see how it fit. Everything on the island fit through that roundabout without damaging any landscaping. We are trying to design to match that effectively. In this particular case, the designer who did that design was the same consultant designing these roundabouts.

Councilmember Cowden: I have a question in a different direction, which is cultural art. It has been asked of me that when we design these roundabouts, I do not know if there is a plan yet. In this question, it is a suggestion

as well. The art or motif that goes in the center of these roundabouts, if it can have a cultural connection to that area. Has that been thought of, or have we even gotten to cultural art for the center of the roundabouts or roadways. This is so it does not look like any place in the continental United States, but also holds the sense of Po'ipū, Kōloa, and our cultural history.

Mr. Moule: That is a good question. We have not determined what will be in the center of the roundabouts for this project. As I mentioned, we are still a way out before construction starts. This is something that we are working on with the Office of the Mayor and Planning Department. In the past, they have been involved in what goes into the center of the roundabouts. We would anticipate doing that between now and when construction starts and to work with the Office of the Mayor to have the necessary discussions about cultural resources for the roundabouts. That is not planned at this time. We are trying to get the regulatory traffic control sorted out with plans to work on those details as we move toward construction.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Michael, for the presentation. I know when you first came to us for permission to apply for the grant, you spoke about center medians. When looking at the map, it looks like there are some center medians in some areas. Can you speak a little about the center medians and building off Councilmember Cowden's question, the intention for what is going on in the center median and if you have a maintenance plan or agreement with any resorts in the area for cost sharing.

Mr. Moule: Thank you for the question. This is an issue that we are working on. When we had the meetings back in 2019 and 2020 with various business owners and resort owners. There were general consensus that they wanted something nice for the medians. That has not been worked out yet, like the situation of the roundabout. Now that we have our sixty percent (60%) plans, besides passing this Resolution, our main goal is getting our final comment to our consultant on the sixty percent (60%) plan, so that they can move toward final design for the civil and landscape features. We need to circle back with the resorts about that because things changed. The pandemic hurt the resorts, but now, rates are on the way up and they are doing a lot better. We have to circle back with them to determine what is going to go in there. We will be doing that in partnership with the other departments because it is not much of an engineering issue but planning or streetscape-type issues. I cannot answer that question at this time, except that is something else that we will be working on as we move toward construction in about one-and-one-half (1½) years.

Councilmember Evslin: Okay, thank you. It is a little hard to tell from the pictures. It looks like some of the stretches have a median and some do not.

Mr. Moule: Let me answer that part of your question. I am going to go roundabout to roundabout. If we start at the existing roundabout at The Shops at Kukui'ula, this goes through Kōloa Town and it is the last median on the project going north, and is the little one on the roundabout already exists. Heading east heading towards the Grand Hyatt Kaua'i, is where Kōloa Stream goes underneath the road. We are not going to widen that structure because it is a very big structure, and it is very expensive. After that, it is going to flare out and a median will start here. It will be continuing to Waikomo Stream Villas driveway and left-turn lane. Some of these left-hand turn lanes, we are still trying to coordinate the fact that the Resolution does not necessarily match the current design. We made some adjustments to this to change some of the lengths, but what is shown here should be really close.

Medians in between these left-turns. Left-turns at Waikomo Stream, a left-turn into Po'ipū Beach Estates, and left-turn into Kōloa Landing. The median picks up Kapili Road, pedestrian refuge for the crosswalks at Kapili Road, left-turn lane for Kapili Road going into the Sheraton Kaua'i, and the median picks up again headed east from Kapili Road. It is a long stretch of median with no accesspoints at this time, and you have the roundabout at Kiahuna Plantation. I am not going to continue the rest to the Grand Hyatt Kaua'i, but it is the same theme where you do not have a left-hand turn lane, there is a median, except for that one (1) location near the street.

Councilmember Evslin: Okay, thank you.

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

Councilmember Cowden: If people are going to testify, I would rather hear their testimonies. If there are testimonies, I might have a question for Michael Dahilig.

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

ALEX S. (*via remote technology*): (*Zoom handle provided as "Alex S."*)  
Yes. I would like to testify, thank you.

Council Chair Kaneshiro: State your name for the record and you will have a total of six (6) minutes to testify.



Alex: Thank you, my name is Alex. For me, I would like to take a step back and not get so “grey” around this project. In my view, it is not a safety, mobility, and equity project. This is a project that is going to usher in unimaginable amounts of development. The agenda item before this talked about schools, roundabouts, and crosswalks, which were very important. That was a safety issue. This is much less of a safety issue. There has only one (1) community meeting in the last ten (10) years. I think Mr. Moule just said that things change. When you have one (1) community meeting in ten (10) years and try to push a plan that was “approved” in 2013, that is not right. I have done a lot of work with transportation groups in the past. All of this is coming out of something from Washington D.C. It is not about Hawai‘i, it is not about keeping Hawai‘i, Hawai‘i. This is about something called, “Smart Growth America,” [smartgrowthamerica.org](http://smartgrowthamerica.org). They are pushing for all this transit-oriented development, new roundabouts, et cetera. It is all supported by people like the Urban Land Institute, construction groups, and union groups. This is about development. The Knudsens are so interested in cramming through a sign for a road that does not even exist and there has been so much controversy over this. The question is really, how do we want to grow Kaua‘i? How do we want to grow the area of Kōloa and Po‘ipū? This is not for residents. This is all for tourists and new developers. The roundabout at Kiahuna Plantation Drive is not required. The only reason it is coming in now, is because of this massive luxury condominium project that is begin developed by Meridian Pacific. If that was not the case and the Council had not turned a blind eye in allowing this project to happen, there would have been no need for a roundabout. The traffic flows freely. There is no need for a roundabout at Pe‘e Road unless you are planning to build a shopping center. There are a lot of rumors of a new shopping center being built. I think we need to all take a step back and not think so much that this is something the island is going to benefit from. There are certain aspects that are terrific, but the plan itself is a plan to spread development. That is it.

Council Chair Kaneshiro: Alex, what is your last name?

Alex: I just go by Alex.

Council Chair Kaneshiro: Okay. Is there anyone else on Zoom wishing to testify? Please state your full name for the record and you will have six (6) minutes to testify.

ELIZABETH OKINAKA (*via remote technology*): My name is Elizabeth Okinaka. I would like to testify in opposition of this. I think this is obviously sad and I completely agree. Knudsen Trust has been writing letters to our Senators raving about these RAISE grants. Why do they want the County to receive them? They are going to profit greatly. What is happening here and who is really benefiting? The local community is not benefiting off all these roundabouts. It is

another way for these developers to bypass traffic plans. There was a Planning Commission order in 2006 that stated, when this luxury condominium project broke ground, that the condition of the approval would mean that this developer has to pay these costs. This is an order that cannot simply be undone. Why is the County of Kaua'i getting these Federal grants, and making it seem like this is going to be a great thing for the community and the children are going to benefit? You are cutting costs for billionaires. This is the same billionaire who is buying land in opportunity zones. By the way, this is also a developer who has pending IRS charges who is under appreciating the value of land that he purchases. Now, he is purchasing land in opportunity zones, and he is getting tax breaks. The County of Kaua'i is using Federal grant money to cut costs. This would be a huge cost for this developer. Why are we making it easier for him? Honestly, I do not approve this, and I think that you should look up the letters that Knudsen Trust was writing. For multiple years, they have been raving about these grants because the Village at Po'ipū is going to be funded and pushed through by this roundabout. Please, think about what is happening here. Keep Kaua'i, Kaua'i and stop letting these billionaires come here, take advantage of these loopholes, and now, we are making it easier for them. *Mahalo*.

Council Chair Kaneshiro: Thank you. Is there anyone else? Kiara Lorenzo, state your full name for the record, and you have six (6) minutes to testify.

KIARA LORENZO: Thank you. My name is Kiara Lorenzo. I want to speak on behalf of cultural practitioners, especially in the Po'ipū area that has been degraded to the utmost. I just want to ensure protection especially when it comes to the widening, grading, and grubbing in the Kukui'ula or Po'ipū. In Kōloa, we seen a lot of *iwi kūpuna*, so I want the help in being transparent. If we have the practitioners or people that are out here and heir decedents to this *iwi*, we want to ensure they are protected. As stated in the Hawai'i Revised Statutes (HRS) Chapter 12, Section 7, our cultural practices should be protected. *Mahalo*.

Council Chair Kaneshiro: Thank you. Is there anyone else on Zoom? Councilmembers, are there any further questions? Councilmember Cowden.

Councilmember Cowden: Managing Director Dahilig, when we go to the National Association of Counties (NACo) meetings, what I have learned and I am asking for accuracy, is the Federal road grants are competitive grants that have design structures that are national. When we want to get Federal moneys for our County, we do competitive grants where we have a design that they are going to say, "Yes, we are going to pay for this." Is that right? Can you help me with that. We have lost the ability to have roads without sidewalks or old-style design, the Federal moneys go to newer style designs. Am I understanding that right?

MICHAEL A. DAHILIG, Managing Director (*via remote technology*):

For the record, Mike Dahilig, Managing Director. Councilmember Cowden, in response, the RAISE grant that is in question today, is actually an extension of what is generic discretionary grants that is given to the Secretary of Transportation to give out for certain types of projects. Under the Trump Administration, it was BUILD. Under the Obama Administration, it was TIGER. This time around, while there may be parameters for certain designs as you are alluding to as you brought up and some of the things you learned at NACo, there are also policy twists that are in each of the different administration grants based of who the Secretary of Transportation is. For example, during the Trump Administration, there was a lot of focus on supply chains and ports. Under the Obama Administration, there was a lot of emphasis on mobility, walkability, and interconnectivity. Under the Biden Administration, with this particular grant, there was an additional new policy element which involved equity. Whether the project was designed to service equity elements by design, that was also what was evaluated as part of the criteria by the Secretary of Transportation. It is not necessarily how the road is designed. In this is particular case, it is the context of where it is servicing, who is it servicing, and how is it servicing. That is where some of the design elements were meant to address some of the equity issues the Biden Administration was seen as a consequence. As Michael mentioned in his presentation, this cuts through a number of our affordable housing projects. As we know, owning a car is an expense, but if you can walk from point "A" to point "B," it is relatively low expense as long as it is safe. That is where a lot of our application in the overall context of the text that the Planning Department worked on. They stated that the design was going to meet the equity criteria along with the things that involved road safety and those types of things. It is very qualitative because it is discretionary.

Councilmember Cowden: As an example, we had a presentation in Kilauea for a Federal grant to go down Kilauea Road. It was basically to make it safer. That has very little to do with tourism. I know that the TIGER grant in Lihue was about economic development to some degree. I respect what we heard from the testifiers. I wanted to help clarify that this how we get money for roads. Am I right? This is how we were able to work on Puhi Road. For multiple reasons, stoplights are being discouraged. Instead, they are putting in roundabouts because they are less maintenance and better traffic movement.

Mr. Dahilig: That is correct. At the end of the day, roads are a public asset. If we were to commercialize them, everyone would have to pay tolls. If you look at the spread of funding from the Federal government, you have different "pots." As Michael mentioned, something like Puhi Road would fall under the Statewide Transportation Improvement Program (STIP). For other expansions, that may involve subsidies from other Federal agencies like the road in Kilauea. Ultimately, the utility of having roads subsidized by the Federal government is

because it serves a public purpose. How the road is designed or how it serves the community can follow to a number of different “buckets” that the Federal government has as opportunities for funding. They all organically head back to that ultimate program under the Federal Highways Administration under the U.S. Department of Transportation.

Councilmember Cowden: The last two (2) times we applied for this program and failed, that is another opportunity that we had public process on this. I grasp this concern that is being raised is a lot larger than the roads. It is lack of affordable housing. There is a challenge on Kiahuna Road with the newer development and the impacts on cultural historic sights. I honor that, but we also need to fix our roads. This is how we fix our roads. Can you speak to the concerns that the people raised, so we can move back to the road.

Mr. Dahilig: Absolutely. As we been having communication individually, before the Council, and before the Planning Commission, the activities that are going on at Kiahuna are provocative, offensive, and in some cases insulting to some folks, and we fully recognize that. A lot of those entitlements that went with that project were already fixed dating back to the early 1980s. Some of them dictate what can or cannot happen in a property that already has some at degree of vested rights. As Michael mentioned, we had meetings in 2013. There have been other meetings in 2014, 2015, with resort stakeholders in 2019, and with the general public meetings in 2020 before we did the first gathering of the actual applications when we applied a number of times for this grant. Every time we have gone out and tried to compete for this money, there has been a public touchpoint at some juncture and the County Council’s actions every time we came to you to apply for this in 2020, 2021, and earlier this year. We try to ensure that it is at the top of mind with folks that the charrette of 2013 has not just sat idle and adjustments have been made based off the comments that continue to come in, your comments when it goes in front of the Council to apply for, receive, and expend authority, as well as what happens when we go through the Federal process. That change between 2020 and 2021, reflects something where the priorities between the Trump and Biden Administrations changed and we had to adjust the project accordingly. When you look at the actual developments and what we are owed as the County, we are in discussions with the developer Meridian Pacific on how much is needed to put in for a potential condition that needs to be met. Not to belabor the Council’s time, one problem with the overall corporation development is, it had master approval, paid off in bulk, and you are left with individual landowners that are left with pieces of things to meet. At this point, we are in discussion where we believe their levy will be in the low seven-figure range. We are still in debate in terms of how to meet that condition. Being that we got this Federal money, this opportunity for the exaction to be paid out, is viewed in context with that construction, and it may lead to further discussions with the Council if design

changes are necessary. At this point, we roughly estimate that it will be in the low seven-figure range that we will have traffic exaction from Meridian Pacific.

Councilmember Cowden: Thank you so much. I will set up an appointment with you in the future. I have been given e-mails with a lot of details; which is more than appropriate for this discussion at this time. I will look at that later with you and perhaps the County Attorney.

Mr. Dahilig: Absolutely.

Council Chair Kaneshiro: Are there any further questions on the Resolution? Councilmember Kualii'i.

Councilmember Kualii'i: On the main map that shows the different colors marking the bike lanes and sidewalks. When I look at the map, I know I need to tie the smaller maps in with the bigger map. Between the Kiahuna Plantation Drive, Ho'owili Road, and Kipuka Street, there are two (2) little streets without names on them. Is one (1) of the roads Hoaka Street, or can you tell me the name of both roads?

Mr. Moule: Neither of those are actually existing streets right now. This here, is the current entrance to the Po'ipū Beach Athletic Club. Again, this is a schematic map, it is not exactly as it is in real life. That entrance is being replaced by Hoaka Street.

Councilmember Kualii'i: Okay.

Mr. Moule: It is at that location. The one that goes *makai*, is the entrance to the Marriott Waiohai Beach Club, Ko'a Kea, and the second entrance to the Kiahuna Plantation Resort. Neither of these are currently named streets. Hoaka Street has been named. When it is constructed, it will be right next to this, it will have its name. We are establishing crosswalks across this driveway to the Marriott Waiohai Beach Club as part of this Resolution.

Councilmember Kualii'i: One of the submaps shows a crosswalk across what is going to be Hoaka Street. The other one shows a crosswalk across a "no name" street, but that is the way to the Marriott Waiohai Beach Club.

Mr. Moule: Yes. This shows Hoaka Street. That is the future Hoaka Street with the crosswalk being established there. On the next sheet, this shows the "no name" street. It does not have a name, but it is the access to the Marriott Waiohai Beach Club, Ko'a Kea, and Kiahuna Plantation Resort.

Councilmember Kualii'i: Okay, thank you very much.

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

Councilmember DeCosta: For clarification, when a developer wants to put in housing or a development and their road is too narrow, there is a process that they have to go through to widen the turning lane, or to have another lane that comes in and out of the subdivision. However, they are not responsible for all the sidewalks and road improvements along the entire stretch on Po'ipū Road. The point I am trying to make is, in 'Ōma'o, in our little residential area, we had a landowner who wanted to do housing. The State made them widen the turn lane across the "Jesus is Coming Soon" church. They were not responsible for putting sidewalks in up and down 'Ōma'o Road. One of the testifiers asked, "Why are we doing this to benefit a developer?" We are not doing this to benefit a developer...I do not want to answer for you, can you clarify and address this?

Mr. Moule: I will start, but I might pass this over to the Managing Director. What is required for developers is often done through the Planning Commission and/or if it is a zoning amendment, it may go through the County Council. Mike knows more about the process than I do. As Mike mentioned, it is talking about this big development that had a number of projects in Po'ipū, including the project residents are currently concerned about. There were discussions about things they need to do as far as the transportation issues and the Planning Commission approval. As Mike mentioned, because things have been split into multiple owners, it is a bit challenging to figure out what that requirement should be. As Mike mentioned, that is what we are working on with the low seven-figure number. There were specific improvements that we are conditioned upon those developers back then, and we are trying to move towards resolving that as part of the current process. I will turn it over to Mike at this point.

Mr. Dahilig: In addition to what Michael mentioned, the process of determining what sidewalks or new improvements need to be put in as a consequence of development are largely predicated on a Traffic Impact Analysis Report (TIAR) that will be given to the Planning Commission and/or planning bodies. For example, the State Land Use Commission, for larger development like this and in this area—it is a State requirement. That determines what needs to be upgraded or whether there is a proportional type of pay-in or construction that needs to be done. The County has gotten sued in the past for having improvements be "over-required" particularly in the Wailua area. They have had two (2) developments near the Sheraton Kaua'i Coconut Beach Resort that were brought to Federal Court for requirements that required the State highway to be widened and by the one (1) developer. It is a proportional nexus test. That is the actual legal term that we have to undergo when we make recommendations as part of preparing the Director's Report over to the State Land Use Commission. It is not a proven formula. Sometimes you can make a case that improvements need to be done offsite

in certain areas. Generally, it needs to be proportional to what the Traffic Impact Analysis Report shows as increased traffic.

Councilmember DeCosta: Thank you, Mike.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, I will call the meeting back to order.

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

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

Councilmember DeCosta: For the community that is listening, I want to let them know that this is Federal money that we capitalized on, it is going to go into our economy, there will be construction entities working, and the economy becomes vibrant when you put money into the economy. I am confident with the study Michael and his team conducted. I hope this keeps some of our tourists in that area, so that the existing residents in Kōloa, Ōma‘o, and Po‘ipū area can enjoy the road and restaurants. You need to remember that it is not the tourists' restaurants and shopping malls, it is our locals'—the tourists just visit and use it. Sometimes they can use it more than us, because they have more money, but I want them to know that it is “ours” as locals. With the implementation of the walkable and bikeable path, I am thinking there will be less traffic. Our residents can enjoy it more while people walk to and from the hotel, enjoy the restaurants, and enjoy shopping. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Building on that and with my memory when we talked about this before, is also, being able to bike and walk from work, where we put affordable housing, trying to be able to create both traffic reduction, health improvements, and to get to school. There will be more access to the buses. There was a lot of discussion on how it is going to help our community, and I appreciate that. There is a larger concern where this a big tranche of money, about twenty-five million dollars (\$25,000,000) or twenty-six million dollars (\$26,000,000). Do I have that right?

Councilmember Kualī'i: Twenty-four million dollars (\$24,000,000).

Councilmember Cowden: Twenty-four million dollars (\$24,000,000). We can do better road durability, and we are able to fix the road better and down into the roadbed. What we are getting in the long run is safety and effective

evacuation capacity. It also shifts road money to other places that is needed instead of relying on County money, what we can leverage it with, because we have other areas that need to be fixed. We have talked about this for a lot of years. With approving this, it is not about suppressing our historic elements there, but fixing the roads because it will last another twenty (20) to twenty-five (25) years.

Council Chair Kaneshiro:                      Councilmember Kuali'i.

Councilmember Kuali'i:                      It is easy for me to support this. I think it is a great plan and visionary for the future. I do not think we could have won this grant if it did not consider the necessary criteria they were looking for. Regarding sustainability and equity, the improved sidewalks and bike lanes go right by a lot of housing in Kōloa Town and the new affordable housing, Koa'e Makana. The hope and expectation are that people can get out of their cars and walk to work because it is close and not have to pay for parking, et cetera. This will improve circulation, the economy, and it may bring additional development. Hopefully it will bring infill development along the corridor, more restaurants, stores, and opportunities for local people to have businesses. The tourists are taking advantage of what we have to offer. Clearly making it easier for people to move about and mitigating the traffic will help the economy and businesses.

Council Chair Kaneshiro:                      Councilmember Carvalho.

Councilmember Carvalho:                      I wanted the people to understand, and for the two (2) people who testified, that back in 2013 and in this particular area, we had numerous discussions. We met with the community, and we met at the Kōloa Neighborhood Center. It was nothing new. The Lihu'e Town Core and Mailihuna area is resignating throughout our island, incorporating into our residents, and having our local people and visitors enjoy this opportunity to walk and bike to visit areas in a way that you have to. I heard that there was no discussion with the community, but there was heavy discussion with the community in the Kōloa and Po'ipū areas. I remember that and there was a good turnout. I was happy that the discussions took place as part of South Kaua'i Community Plan and was able to move forward. I totally support this as we continue to transform our island to include a walkable and bikeable complete streets. Being able to connect everyone from schools, businesses, and hotels. Our local people will benefit from this. *Mahalo.*

Council Chair Kaneshiro:                      Councilmember Chock.

Councilmember Chock:                      I would like to add that the circulation plan was drafted years ago. Following the South Kaua'i Community Plan, everything articulated what we knew we wanted to see for the community. I see this as a follow-up to that. I respect the testifiers' points-of-view of the perception this might



be drawing. I think there is more to lose if we did not move in this direction. We talk a lot about managing parking, our homes, overflow, over-crowdedness, visitor shuttles, and wanting to be able to control and determine where visitors go. Those things cannot be accomplished without this kind of planning and follow-through. This is the first step towards that, so I will be supporting this. Thank you.

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

Councilmember Kualii: Most, if not all of this area along Po'ipū Road, south of where all the hotels are, is indeed in our visitor destination area (VDA). As we go forward, if we are trying to have thoughtful, smart growth, or smart street development in designated areas, that allows the rest of the areas of open space or green space, to remain and for us to protect. There has to be a little bit of a balance and not have any growth. We need to have smart, thoughtful growth for our families, jobs, and our survival.

Council Chair Kaneshiro: I will say that I am in favor of this Resolution. Us getting that RAISE grant is a testament to the hard work the community put in. Over ten (10) years ago, I remember attending a study for a traffic plan that the community was working on. It was well attended. The South Kaua'i Community Plan came through. I remember recently, there were breakout meetings in Kōloa regarding updates to the traffic plan. If we did not have plans in place and input from the community, we would not be able to get a RAISE grant because the plan was not put together. If you look at the plan, it makes a lot of sense putting in new roundabouts in certain areas. Personally, I know people who do not want to make a lefthand turn from Kōloa onto Po'ipū Road, because it is so dangerous. We need a roundabout there. I sit at the Ala Konoiki roundabout, if someone is waiting across and there are two (2) cars coming, everyone is playing "who is going to go first and who is going to wait." The roundabouts are going to help improve the safety of getting through the area. When you look at the new bus stops that are going to be there, they are trying to improve how people get around in Kōloa. Sidewalks. I am sure there are other communities that are saying, "We should have that money in our community." Again, this is a testament to the Kōloa community working together, getting this plan, and having that foresight from back in the early or mid-2000s. When the grant is specific to that area, we cannot say, "Maybe we do not want that money there and we want it somewhere else." No, that grant is specific to that area. If other communities want to do the same and get the planning, we will get try to get grants for those areas too. It is a difficult and competitive grant. I remember when we got the TIGER grant, Hawai'i Island Councilmembers were telling me, "You folks stole our grant, we were trying to get that grant." It got awarded to us. I will take all the grants Kaua'i can get when it comes to improving our roads. I hear a lot about the roads needing to be repaved and there are potholes. This grant is going to come through and help to repave a lot

of those areas. It takes the resources off the County roads because it is not money coming from the GET or what is budgeted; this is Federal money that is coming, so we can spend our resources helping everyone else. It is a good thing, and I am in favor of it.

Is there any final discussion from the Members? If not, roll call vote.

The motion for adoption of Resolution No. 2022-53 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Kaneshiro: The next item is back on Page 5.  
Resolution No. 2022-51

Resolution No. 2022-51 – RESOLUTION ESTABLISHING NO-PARKING ZONES ALONG PO'IPŪ ROAD AND REPEALING RESOLUTION NO. 2011-34, RESOLUTION NO. 2011-57, RESOLUTION NO. 2013-62, AND RESOLUTION NO. 2020-38 IN THEIR ENTIRETY KŌLOA DISTRICT, COUNTY OF KAUAI

Councilmember Kualii moved for adoption of Resolution No. 2022-51, seconded by Councilmember Carvahlo.

Council Chair Kaneshiro: I will suspend the rules. Mike, do you want to go over this Resolution?

There being no objections, the rules were suspended.

Mr. Moule: Chair and Councilmembers. For the record, Michael Moule, Engineering Chief. This is a presentation of Po'ipū Road regarding the parking issues. We had a series of community workshops in 2013 called the charrette, mini workshops for the South Kaua'i Community Plan in 2015, and the three (3) stakeholder meetings in late 2019 and late 2020. I want to talk more about the stakeholder meetings piece. There were a lot of discussions about the meetings in December 2019, and in January and February 2020. This was the resort stakeholder meeting. On our concept plan that we showed at those three (3) meetings, we showed off-street parking within the County right-of-way. At the first meeting, there were several people who brought up not liking the street parking on Po'ipū Road that it detracts from the roadway areas, and they would prefer not to

have it. We made sure to convey that to all the people in that meeting. We took the same thoughts to the next two (2) meetings, including the one with the general public. There was consensus amongst all the stakeholders to restrict parking on most of the resort section of Po'ipū Road. We knew there was an issue for employees mainly at the Koa Ke'a Resort. There are other resorts where people park along sections of Po'ipū near resorts because there is not enough parking. In short-term, we brought a Resolution to the Council in 2020 to restrict parking along additional areas of Po'ipū Road than we are already restricted. We banned the parking on the *makai* side along Kiahuna, Marriott Waihoai Beach Club, and Ko'a Kea frontage area. As part of that Resolution that was approved by Council, before we submitted that, we constructed a stabilized parking area *mauka*, on the north side of the road. This was done to mainly serve the employees of the Ko'a Ke'a Resort. It may be used by others at times, but as we understand, that is the primary user. The underlying owner of that land area is not the Knudsen Trust, but its members of the Knudsen family, but is working to provide alternative parking for the Ko'a Kea employees before the Po'ipū Road project. We are trying to move forward with prohibiting parking along longer sections of Po'ipū Road, with eliminating parking on the north side, with anticipation that the parking issues would be worked out by the time we implement this project. With everything that already exists in the last Resolution, the importance today, and this Resolution, we would not be implementing this parking restriction until the project is done.

I want to show you quickly where we are proposing parking will be prohibited. It is pretty extensive. The darker gray areas on Po'ipū Road from the existing roundabout going east from Kukui'ula on both sides of the road, continuing all the way through east of Kipuka Street, which is Wiliwili Tract. Continuing on the south side in front of Po'ipū Kai just past the Grand Hyatt Kaua'i Resort employee and main entrance.

There are three (3) resolutions being repealed. All of these resolutions are within the area we are proposing to better parking now. We are making it clear by adding this new Resolution that covers the entire area and repeal the old one. You can see that it is being added to both sides of the main entrance of the Grand Hyatt Kaua'i Resort, and employee entrance west of the main entrance. This is Kaleka Road, which is close to the employee entrance of the Grand Hyatt Kaua'i Resort. There is a seventy-foot gap between the two. Both sides of that entrance were in the 2013 resolution, and this was passed in 2020. The only thing different from the rest is the *makai* side. There is no-parking west from Kiahuna Plantation to east of Ho'owili Road, the road that goes to Po'ipū Beach Park. There is no-parking from east of Kiahuna Plantation, east of the future Hoaka Street and the Po'ipū Beach Athletic Club access road. This is the stabilized parking where people are currently parking that is going to be repealed.

Lastly, I have a slide that shows the overlay. The yellow lanes are the areas that are already covered by resolutions. This new Resolution covers all those areas and more. That is what we propose. I will be glad to take any questions or add to any information that you need.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: Mike, the concern I have is all our local people work in the industry area from the hotels to the restaurants. If there were parking or if there were other areas of parking, they would be parking there. The reason they are parking on the side of the road is because there is no parking. I know you mentioned you are working with the Knudsen family on getting parking, and I feel much more comfortable for my constituents who work in the Po'ipū area to have a deeper commitment of where the parking will be. One, so they will have parking, and two, they are not walking in the rain far to get to work. Do you want to address that?

Mr. Moule:

Yes. We separated this parking Resolution from the others, in part because we knew parking is more controversial, or there are other aspects to it than the other things that were included. We felt it was very important for the other resolutions to pass for the other improvements. Changing the way parking is treated and having parking within the right-of-way, we felt it was something fairly easy to change as we go into the final development of the project. If this is something that needs to wait for approval from the Council, it does not make affect our priorities in a significant way, and we can make that minor adjustment later. We wanted approval for the other resolutions sooner rather than later, so we can move towards final plans without having to worry about changes later. This can be easily adjusted during construction if we needed to. We can wait on this, if that is something the Council would choose to do. We generally feel that this will be resolved, but we do not have full commitment as you suggested. That is something that can be considered.

Councilmember DeCosta:

Chair, I noticed that Mr. Ho'okano is here. I do not know if anyone has questions, but I would like to hear his testimony before I decide what to do.

Council Chair Kaneshiro:

We will go through questions first and open testimony after. Councilmember Cowden, followed by Councilmember Chock.

Councilmember Cowden:

My question is similar to Councilmember DeCosta and ask where everyone is going to park. That is what I worry about. The reason I think people park where they do is because there is nowhere else to park. If I visit someone at those units, I park on the road, because I do not know if I am

taking a stall from a unit. My worry is, when will this be implemented if it is passed today?

Mr. Moule: This may be implemented during construction because you need parking. We would not intend to implement this until the parking issues are worked out, and that would be under construction or after construction, not prior. We would not implement this until at least a year-and-one-half, when we start construction on the project.

Councilmember Cowden: Okay. The “why” is the obvious thing. You cannot have people parking there during construction.

Mr. Moule: In some areas it is going to be difficult to have sidewalks, bike lanes, and parking all in the same space. There is additional space *mauka* in some areas where we could add parking to this project, and we proposed that before. We could do that if we determine that alternative parking is not possible elsewhere for the resorts. I think there is a point when the County will say, “It is not the County’s responsibility to provide parking for employees at resorts and they need to figure that out.” That is the general thought for resorts. When resorts do not have parking, they prefer not to have parking in these areas and deal with that on private property in some fashion.

Councilmember Cowden: I have a question that I probably should know. When you go to ballroom events at the Grand Hyatt Kaua‘i Resort, I park on the street and walk in. Where are you supposed to park? Can you go to the regular parking lot, or do you have to valet?

Councilmember Kualī‘i: Yes.

Council Chair Kaneshiro: This restriction is mainly for the south side of the road. I know a lot of people park on the golf course side of the road when they attend events. From this map, the *mauka* side of the road is restricted. It is one hundred fifty (150) feet near the entrance on the south side.

Councilmember Cowden: If they go to prom, can they park in the regular parking lot without being charged?

Council Chair Kaneshiro: I am not sure. I know they can valet.

Mr. Moule: I can answer that. There are no changes to the parking near the Grand Hyatt Kaua‘i Resort, or either side of the road, with this Resolution. We are redoing the entrances to the Grand Hyatt Kaua‘i Resort, *mauka* and *makai* main parking that would be allowed.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you. Michael, the question that is arising is, how far along are you with this plan for additional parking? You said there has not been solid or follow-through commitments on any plan. You said it will be a year-and-a-half from now, and for the Council to have sense of where we are, and what we can expect is important. I think most of us agree that restricting the parking is important, but when and how is not clear.

Mr. Moule: There are not specific plans moving forward to provide alternate parking for employees of the resort, and mainly one (1) resort that does not have much parking. There are ideas out there, but it has not been confirmed. If any of those efforts required permitting or permits, it has not been applied for. Like I said, it is an idea, they are working on it, but it is not firm at this point if that is the concern. I want to make it clear that it is not firm at this time.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Is there anyone else? I heard that you are not set on needing this Resolution to pass now. You are willing to give it time and see how construction goes. As the plan firms up, you will be open to bringing it back on.

Mr. Moule: Yes, that is correct.

Council Chair Kaneshiro: Okay. Councilmember Kualii.

Councilmember Kualii: Michael, during the planning process, you had feedback from the community saying...when you present the whole idea of complete streets, it is about changing the mindset and value, it is not only about the cars. We are not going to cater to the cars, we will have the sidewalks and buses. It is changing the feel of the area. To do that, you have to take away catering to the cars. The shopping center has a parking lot, and when you go there, you park there. If they need more to work out for their employees, they should do that. It sounds like there is something in the works, hopefully all that works out. If we are going forward, to a place where we are doing complete streets or cars off the road, if you are making it easier to walk or trying to ride the bus, some people will choose that option. Some people do not have that choice, they cannot afford a car, and they have to do that. That is how the whole equitable piece comes in where you are trying to support the people who do not have cars. Ultimately, we have to go in that direction. I hear you saying that it is not for another year-and-a-half, it is a project,

but that gives a lot of time to figure that out too. I am ready to support this today. Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, while the rules are still suspended, is there anyone in the audience wishing to testify? Cannon, state your full name for the record. You will have three (3) minutes. Everyone will have a chance to testify. If you need another three (3) minutes, you can speak again.

CANNON HO'OKANO: Cannon Ho'okano, with the Eric Knudsen Trust. Council Chair Kaneshiro and Councilmembers, thank you for all of your hard work with all the other departments in order to move this project forward. I think there needs to be more discussion regarding parking for Ko'a Kea employees. Moving forward, I know we have a year-and-a-half to come to an agreement with Ko'a Kea and landowners in that area. We do not have any formal agreements. We allowed for temporary parking across the street during construction of the parking lot for the resort. That is no longer available. They are parking alongside the road. The County made improvements to this shoulder. There is room for discussion with the community, resort, and the Knudsen family regarding possibilities. I think there is room for transportation improvements in the area. I like the idea of the roundabouts, changing the safety factors to the schools, sidewalks, and providing for our community. I know how important this grant process has been, it has been in discussion for a very long time. I like to see this Resolution move forward, but leaving room for discussion on improving parking for the Ko'a Kea Resort. If there are problems moving forward, I hope we can have open dialogue amongst the Councilmembers, community, and families.

Council Chair Kaneshiro: Do you have a clarifying question?  
Councilmember Evslin.

Councilmember Evslin: Just to clarify, you said you want to see the Resolution move forward as in being passed today; and in theory, Michael Moule can continue to work with you to figure out a solution.

Mr. Ho'okano: If it is not a high priority for Michael regarding this segment of the stretch. I think parking is something that can be resolved within Ko'a Kea, Lyft to provide parking for their employees, or vertical parking structures. We have a year-and-a-half, and they can hopefully resolve that.

Councilmember Evslin: Would you rather see the Resolution approved today or received or deferred for a period until the solutions are worked out, and passed at that time.

Mr. Ho'okano: If we feel that it needs to go forward today, we are okay with that. I would hate for that to be a condition of this grant and not provided for this portion of the project. It has been in the works for a very long time, it has taken a lot of work, and there has been a lot of community discussion. I would not like to see everyone's time and effort be tabled for a small piece like parking. That is something that could be resolved within the Ko'a Kea Resort.

Council Chair Kaneshiro: This parking is not contingent on the grant.  
Councilmember Cowden.

Councilmember Cowden: I was going to clarify that. The reason it is separated out from the rest is because we have already approved the resolutions for the roundabouts. What we are hearing from Michael Moule is he is okay whether we stretch it out for you to figure it out first, or he is okay if we approve it today. It is an important opportunity and to let us know if you would prefer it being stretched out.

Mr. Ho'okano: If the Engineering Division is okay with that, we can stretch it out and it will give us time for discussion.

Councilmember Cowden: Okay. That is what I heard and that is what you said, right?

Council Chair Kaneshiro: Is there any further clarifying questions? If not, thank you, Cannon. Is there anyone else in the audience wishing to testify? I know there is someone on Zoom.

Alex: Yes, I would like to testify. I appreciated what Councilmember DeCosta and several other Councilmembers said. To me, this is emblematic of the way the entire project has thrown the community under the bus. We talked about sidewalks and bike lanes on both sides of the street. This is for the tourists. People that live on Kaua'i, they are working. They are carrying tractors and lumber mostly in trucks. If you take a bike, you are not taking a bike more than five (5) or ten (10) percent of time. It is the tourists that are going to be using the bike lanes. If Councilmember DeCosta and Councilmember Cowden did not step in right now, we would have all the workers thrown under the bus. All the community members and construction workers that park there...everyone was happy to do that. I find this entire exercise to be very difficult to listen to. I am pleased that it sounds like this Resolution will be tabled for a while, but the fact that it was included and wrapped up in the complete streets is not right. *Mahalo.*

Council Chair Kaneshiro: Thank you. Is there anyone else on Zoom? No. Are there any further questions from the Members? Councilmember Kualii.



Councilmember Kualii: Michael, as far as the bigger plan and vision, it matters when you put in the sidewalks and bike lanes, to make it pedestrian friendly. You have to make a different plan if it includes off-street or along-the-street parking, or not, right? Like the parking on Rice Street, you would not necessarily have that same type of parking in Po'ipū, depending on how the plan goes. You are saying that you have time, but at some point, you have to know which way you are going to go.

Mr. Moule: Yes, that is true. I will say that this location is different than Rice Street. On the *mauka* side of the road, there is significant right-of-way width. The right-of-way for Po'ipū Road is one hundred twenty (120) feet. It was originally planned to be a multilane road, which we are not proposing, it probably will never be proposed, and I would not recommend that. There is a lot of extra width on the *mauka* side. The concept that we previously had that we took out of the plans based on the public meetings, was to have the sidewalk and have it gone across the sidewalk into a little drive isle that would have separate parking off street, but it is in the County right-of-way. It would require a design change, but this kind of change can be made relatively easy without completely rethinking the project. It is not the case here like everything else and needing to approve another resolution, if that makes sense.

Councilmember Kualii: Yes. Obviously if we received or deferred this today, you would come back to us when you need to.

Mr. Moule: Yes.

Councilmember Kualii: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions? If not, I will call the meeting back to order.

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

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

Councilmember DeCosta: Councilmember Chock and I spoke a lot on this. We got a lot of community members in the area in the industry that reached out to us. I am going to ask to receive this, and we can work on it later. We were told that it will not affect the overall grant process. The local people that work in the industry deserve something set in stone on where they are going to park. Until that is made, I am not comfortable moving forward.

Council Chair Kaneshiro: Is there any further discussion? If we entertain the receipt, I will ask for the motion to approve and the second to be withdrawn. I will take discussion first. Councilmember Cowden.

Councilmember Cowden: I have a question. If we move to defer, can we defer this for a year?

Council Chair Kaneshiro: I would rather not defer for a year. I would rather receive, and when the Department of Public Works feels it is an appropriate time to bring it back, they will.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: We could defer for a year, they might not be ready, it will come up, and you are having to defer or do something else with it. Are there any further questions or discussion from the Members? If not, Councilmember Kualii, you made a motion to approve and Councilmember Carvalho, you seconded. If you could withdraw your motion.

Councilmember Kualii: Before I do, I want to make another discussion point. I do not want to be the bad person by saying this. I lived in California for a while, and I lived in the city. I think living here on an island, we take parking for granted and we do not give it the value that it has, because it is free to everyone. Right here in Līhu'e Town, the County complex gives us a lot of parking because it used to be a shopping center. Everyone has free parking, and we take it for granted. I think as we move forward and develop our core areas, we have to put a premium on parking. We have to stop and not make parking, because the more parking you make, the more you are supporting the cars. We can support people in other ways than just supporting cars. Going forward, we need to start thinking about that. At some point, the time may come where people might have to pay a little for parking, employers may help subsidize that, there are different things. We are a bit of a way from that, but as we try to do specific areas for complete streets...we did not have to do it so much on Rice Street, because we are subsidizing the parking needs of Rice Street with the Kaua'i War Memorial Convention Hall, the County complex—there is a lot of parking in Līhu'e. It is not an issue yet, but we need to start thinking about it going forward.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I appreciate what you are saying and when you said you lived in the city. There is a difference between rural and urban. What is unique about our rural community is we are only on the perimeter of the circle, rather than the area of the circle. To me, I like the freedom of free parking. If someone wants to bring their surfboards, et cetera, they will have their vehicle.

This is not an urban environment, but I value what you are saying. I am giving a gentle contrast without a stubborn position.

Councilmember Kualii: The idea that we live on an island means that our land is limited. We are moving to a place where we are trying to take advantage of our density in the town cores, which means we need to start being more open to that, regardless. If you want free and open parking, maybe it is a little further out, and you have to walk.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I want to say that I appreciate what Councilmember Kualii was saying. I am going to support to move to receive today. I think more work is required. I think we need a comprehensive solution with the resort owners. At the end of the day, if it takes a year, we will need to see a similar resolution come before us. I do not think that having the parking situation along the road is going to be possible with a sidewalk, bike lane, and people crossing a sidewalk. We are going to need some solution. As Mr. Moule and Mr. Ho'okano said, we have room for more dialogue and we will continue to work towards that.

I want to respond, and I did not speak on the other resolutions. As far as this being for the tourists, it is not. There are thousands of residents that live within biking distance to these world-class beaches. They are largely cut off. The only way you can get to them from Kōloa Town and all the residential areas is by vehicle. I had a good friend in high school, we used to bike from Kōloa Town to the beach, risking our lives on that road. It was the only way to get there and it is a shockingly short bike ride, if we had to put the infrastructure in to enable that connectivity. Part of putting these pieces together is not going to be simple. We are going to have challenges like we are with parking, but we will continue to work through it.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I appreciate Councilmember Kualii's comments. I am all for managed parking. I think it is inevitable. I think restricting parking is inevitable particularly in this area. We are making big moves in this area. We are talking about paid parking for visitors at Po'ipū Beach Park. We are talking about shuttles. We are talking about a lot of different things we want to look at the whole region holistically to address that. I think the pause here is to say, "Hey, look, it is not our *kuleana*, let the industry take care, and figure it out," but we need to give them the time to figure it out. Now, they are basically being put on hold and having to work with the landowners and come up with solutions for this, because we can no longer continue to move in the direction that we are to be sustainable. Giving you the time necessary, I support receiving it for

that specific reason. Hopefully we can come back to the table and hear solutions for the whole region. Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: For me, I am totally open. I understand what Councilmember Kualii is saying, hearing the testimonies, and being open to more conversation. I think it is a good thing.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I made my point on receiving this and I am going to stand strongly behind it. I think our industry workers and community members who work in the area...even if they live in Kōloa and need to go shopping at Big Save after they are finished working, they are not going to ride their bike if they need to pick up milk, bread, or other items. They are going to use their car. I am sorry for being the "Debbie Downer" Councilmember here today, but I am not going to support paying for public parking. Our local residents pay enough with the high cost of living in Hawai'i. I am not going to be part of putting a price tag on them having to park. If we ever move into that realm, I will not be sitting on this Council. Thank you.

Council Chair Kaneshiro: Is there any further discussion from the Members? If not, I will entertain the motion.

Councilmember Kualii withdrew the motion to for adoption of Resolution No. 2022-51. Councilmember Carvalho withdrew the second.

Councilmember DeCosta moved to receive Resolution No. 2020-51 for the record, seconded by Councilmember Kualii.

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

The motion to receive Resolution No. 2022-51 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Kaneshiro: Next up is the Bill for First Reading.

*(Councilmember Chock was noted as recused and not present.)*

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2890) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*OSC Waipā Foundation Acquisition of Halulu Fishpond*)

Councilmember Kualifi moved for passage of Proposed Draft Bill (No. 2890) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 14, 2022, and that it be referred to the Committee of the Whole, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: I will suspend the rules. Jodi, do you want to lead us in, and if there is a presentation to be made, we can take the presentation.

There being no objections, the rules were suspended.

JODI HIGUCHI SAYEGUSA, Deputy Planning Director (*via remote technology*): Good morning, Jodi Higuchi Sayegusa, Planning Department. The communication and Bill were submitted on behalf of the Public Access, Open Space, Natural Resources Preservation Fund Commission. They unanimously recommended that the County Council approve up to eight hundred fifty thousand dollars (\$850,000) of the Open Space Fund for Waipā Foundation to acquire the Halulu Fishpond, its access, as well as the County's securing the conservation easement to benefit and protect our resource in perpetuity. The foundation and its various programs have been supporting Kauai's North Shore community, as well as the broader communities across Kauai in countless ways. You will hear about that shortly with Stacy and Lea. The Kauai County Code allows funds to be appropriated to private or nonprofit organizations, for them to acquire interest to property where the lands or entitlements benefit the public and are protected in perpetuity, and this proposal is exactly that. It will allow Waipā Foundation to acquire the Halulu Fishpond and access, to continue doing its good work. The fishpond with the conservation easement will be protected in perpetuity. This proposal was considered for several years. The foundation has secured additional funds from the State of Hawaii, and secured a letter of intent from Waioli Cooperation to sell the property to the foundation. At this point, the timing is right to submit the recommendation to you. I am going to turn it over to Stacy and Lea from Waipā Foundation, but I am here to answer questions if you have any.

Council Chair Kaneshiro: I want to note, Councilmember Chock recused himself for this item. Lea and Stacy if you folks want to take us through the presentation. State your full name for the record.

STACY SPROAT:  
Director.

Stacy Sproat, Waipā Foundation Executive

Council Chair Kaneshiro:  
too.

Lea, you can state your name for the record

LEA HONG:  
Public Land.

Lea Hong, State Director for the Trust of

Ms. Sproat: Briefly, this presentation will give us a little background and reasoning for this project. What you see is Halulu Fishpond at Waipā. This is a view of the property *makai*, across Halulu Fishpond, which is property we lease from Kamehameha Schools.

Waipā Foundation leases the entire one thousand six hundred (1,600) acre *ahupua'a* of Waipā, *mauka* to *makai*, from Kamehameha Schools. We have been there for twenty (20) years. We are on a forty-five-year lease, which expires in 2050. We manage the *ahupua'a* as a living learning center. We stand on the shoulders of our *kūpuna* who the Hawaiian farmers of Hanalei and our predecessor organization, to save the valley from resort development back in 1980s. As I have said, it is owned by Kamehameha Schools. Waipā and Lumaha'i Valley...which is the next valley over the ridge that is ten (10) times bigger, were both slated for resort development in the early 1980s.

Enclosed in blue is the Kula and *makai* portion of the *ahupua'a*. We lease the entire property. Seven (7) Tax Map Keys (TMKs) other than the little pieces enclosed in blue, which are *kuleana* lots or original *Māhele* grant awards from the 1840s, where Hawaiian families that were able to claim their property lived. Today, all except one (1) have changed hands. These are fee simple lots, most of which are built on within the *ahupua'a*, so we work around them, and they work around us. They have access to water. Most turn over on the real estate market regularly. We are requesting support to purchase one (1) of those that is in a strategic location for us, that has not been built upon at this point.

Part of Waipā's mission is to take care of and improve our natural resources, including our stream. We have done significant stream restoration over the last ten (10) years with Federal, State, and private funding.

We also seek to connect our children, youth, and families in the community, to the *āina* natural resources for sustainability, community, leadership, and for Hawaiian cultural reasons. These children are part of our summer program cohort. Fifth and sixth graders that are going out prawning at Waipā *mauka*. We really hope to engage these children as community leaders in the future, so that they love this land, know about it, and want to be involved in taking care of the land.

We are a major producer and grow fresh produce. We are proudly the only farmer north of Kilauea that is growing vegetables, other than *kalo*. During the landslides and road closures, we were especially instrumental in providing produce

for our community. Again, we welcome over a thousand learners, both children from our community and beyond on field trips, school visits, and college visits. Lifelong learners of all ages, *kūpuna*, come to Waipā to connect with the land, resources, and culture.

As I have said repeatedly, we are a cultural space, grow cultural food, encourage and perpetuate cultural practice through the spaces that we manage, work, farm, and grow food.

We have built facilities on site that help us to do our work, get food out to the community, encourage entrepreneurship, training, and inspiration for the younger generation. We also provide public meeting and gathering spaces for community, families, and organizations at Waipā.

Our *makai* area is what we are talking about. This area is mainly used for cultural gatherings, workshops, practice, and retreats. This is the Waipā weavers. They meet, gather, and weave in this space. We have done events and gatherings here, and we continue to, but we will be downsizing. The small picture is looking from on the property, and it is looking out across the property we lease from Kamehameha Schools. Where the white tent is, is where most of our gatherings happen.

Once again, that is the property in red, on the *makai* side of Kūhiō Highway of Waipā. It is one (1) of three (3) properties that is in that area. It is in the *hau* bush to the right of those two (2) existing houses. Those two (2) houses are on properties that is the exact same size as the one we are discussing. The folks who purchased them built the house out on the entire piece of property. We anticipate that if this is sold, there would be a house the same size as the other two (2). One of our issues is that the *makai* boundary of the property is in the fishpond and we would not be able to buffer the view of a house that was built there.

We have an access road and path through this property along the pond. That access is important to us because when children and learners come on visits, we have a circle route that we go on that cross through our *makai*, *Kula*, and *mauka* areas. This path is part of that circle route that goes *mauka*. We exit on another part of the property. It also allows us to manage the pond. As you can see in the picture on the top left, it is folks walking on the path. We are looking directly at where if this property were sold and a house was built on it, where a house would be. On the bottom picture, some of the programming we do with children fishing tilapia in the pond, learning about invasive versus native species, and eradicating invasives. They can only keep the tilapia, not the *‘ō‘opu*. They have to catch and release anything else. This is a little history. Lea is going to discuss the funding for this project.

Ms. Hong: Some years ago, we were able to raise fifty thousand dollars (\$50,000) from the State Legacy Land Conservation Program. Thanks to Senate President Ronald Kouchi, he was able to secure four hundred thousand dollars (\$400,000) of CIP earlier this year. That money expires at the end of the fiscal year, June 30, 2023. It does not necessarily need to be spent, but

encumbered before then. This request is to approve Open Space Commission's recommendation to set aside up to eight hundred fifty thousand dollars (\$850,000) from the Public Access, Open Space, Natural Resources Preservation Fund. That means we have a total purchase price of somewhere between one million one hundred thousand dollars (\$1,100,000) and one million three hundred thousand dollars (\$1,300,000) of funds available, pending an updated appraisal.

We think that is a reasonable range because the County appraisal in 2019 was one million one hundred thousand dollars (\$1,100,000) for this parcel. Prior to that, we did an appraisal on our own, and it was about one million two hundred forty thousand dollars (\$1,240,000). We think that is a decent range.

The County would own and have the right to enforce the conservation easement that would be recorded against the land and be perpetual. It would restrict development in perpetuity. It would allow managed public access to the makai areas under Waipā Foundation stewardship. It would allow Waipā to steward and manage the area consistent with its programs and its stewardship overall.

Council Chair Kaneshiro: Thank you for that presentation. Are there any questions from the Members for this request? Councilmember DeCosta.

Councilmember DeCosta: The question that I want to ask is, the house that is slated to be built there, are we allowing them to put a septic system in close to the pond? That is what it looks like to me. If that house is developed, I know there is no sewer there and we do not allow cesspools. We are going to put a septic system into the pond that possibly has 'o'opu. By purchasing this, we will save the 'o'opu and aquatic life that is in the pond. Ms. Sproat, is that correct?

Ms. Sproat: That is a concern of ours.

Councilmember DeCosta: The next question I wanted to ask you is, it makes me a little nervous having a public access pond that the youth can go to at any time to swim and possibly drown. Would you steward that to ensure the youth would have supervision when you go to the pond.

Ms. Sproat: Yes. The access is going to be managed access and not public access that is open all the time. We tried that in the past. There is a significant amount of vandalism and there is a lot of liability. The makai side of the pond is Waipā Foundation and Kamehameha Schools property. We will manage access for folks through that area. What we advocate for is really our traditional values of access with kuleana. For cultural practices or gathering, with permission, they can use the area. If people come and help mālama the area, we allow them access. However, it needs to be managed.

Councilmember DeCosta: I noticed a tent in the area. This lot would allow a house. You said there are two (2) houses already there. Would you want to keep the option open of having a pavilion there one day for your youth to enjoy? Not



a bathroom because you already have one across the street. Is that something we can do as a County, and did you folks talk about that when you planned this purchase?

Ms. Sproat: It seems that within the conservation easement, we could negotiate that. If so, it would be a light open structure.

Councilmember DeCosta: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members on this? I know we were all briefed on it. Councilmember Kuali'i.

Councilmember Kuali'i: I fully support this and I think it is really important. I am curious, the land that you have at Waipā *mauka* of the highway is Kamehameha land, so you have it on a long-term lease. You do not actually own any land. When you purchase this small piece next to the fishpond, you will own that land. Being that it is Open Space and State funds, you are guaranteeing that there will always be managed access. I like the idea that it is managed, because I think it is important, but it is also the public value. Thank you.

Ms. Sproat: Thank you.

Council Chair Kaneshiro: Are there any further questions? If not, thank you. While the rules are still suspended, is there anyone in the audience wishing to testify? Lonnie.

Mr. Sykos: For the record, Lonnie Sykos. It sounds like an excellent bargain to me and an excellent use of the Open Space money. I would opine to the Council and to the kind women who presented this opportunity to us. Many people on this island have very limited understanding of Hawaiian and Polynesian language. I know that I do. I know what *halalu* is, and I caught thousands of them in my life. I do not know that the immature *akule* is, if that is what this word refers to. Likewise, Waipā, could be the headwaters. Again, I have no idea what it means. When we present these names in Hawaiian, it would be beneficial to translate them into English. After all, that is the language we are conducting business in, and it is hardly inoffensive to Hawaiians for their language to be explained to us who do not speak it. It is a trivial detail, but to me, it is important to know what the names mean because they are a great cultural significance. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Is there anyone on Zoom? I will call the 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 Cowden.

Councilmember Cowden: I think Waipā means “stuck water,” where you always have to clean out the opening. I am very supportive of this. I have decades of experience with this program and project. I would say it is integrated into our North Shore culture and beyond, across the island, and bringing people in of *kanaka* or Hawaiian ancestry from the continental United States. This area where we are walking through is an important walkway. It is an element that is integrated even when we welcome people from different entities, countries, et cetera. Waipā, from the mountain to the sea, is a super valuable piece of the North Shore identity. I would say it is our cultural identity for the island. To retain this spot that is the pathway and the pond...I think Halulu is the fish, is that what we are calling it?

Councilmember Kualī'i: It is Halulu and *halalu*.

There being no objections, the rules were suspended.

Ms. Sproat: *Halalu* is the immature *akule*, but it is not that word. Halulu is the name of the pond that comes from a *mo'olelo* about a bird in ancient time.

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

Councilmember Cowden: It is on record that Halulu is a *mo'olelo* about a bird. I am fully supportive of this, and I am thankful that we can keep this healthy and open. I think it would be a huge difference to sell that piece on the private market.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I strongly support this. When I started on the Public Access, Open Space Natural Resources Preservation Fund Commission, one of my goals in serving was trying to push towards acquisition for Natural Resources Preservation. In the Charter, it identifies that the fund should go towards protection of significant habitat or ecosystems, preserving forests, beaches, coastal areas, agricultural lands, protecting watersheds, et cetera. The fund was designed not exclusively for public access, but also for preservation. Exactly in line with what the intent is here. I do not think any organization is better suited than Waipā to manage the access and preserve this for the future. I strongly support this. I am thankful for all the work they do for our community and for our ecosystem.

Councilmember Kualī'i: I would like to add that all the great folks at Waipā have already been there utilizing this spot. This is a matter of allowing that to continue and protecting it. I know they have been working many years to acquire

this parcel, so that we can prevent further development like the two (2) houses that filled up the lots. This is important, and I also respect all the work that the people on the Open Space Commission have done over the years. It is easy to support this. I thank you all, *mahalo nui loa*.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I am totally supportive. Waipā, Lea, and Stacy have done so much work with the preservation and *keiki*. I have been to numerous cultural opportunities at Waipā. This area, *makai*, is a precious location. To have it under the Waipā Foundation is an awesome opportunity. I look forward to continuing to support this however we can. Overall, I am totally supportive, and I am very happy with this movement in this project. *Mahalo*.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Yes. I sat on Open Space Commission in 2003-2005. I would have loved to have the opportunity to support such a great thing, but I did not. Today, I am a Councilmember with the opportunity to cast a vote. I wanted to say that we talk a lot on this table about *kanaka maoli* and helping our native people. I am looking at a *kanaka maoli*, a native, her family has been there for generations on the North Shore. She went to private school at Kamehameha. Her sister and my wife are classmates. I am looking at another Kamehameha graduate. If we are going to do anything for our *kanaka maoli*, this is the time. This is a good program, and I have been to your program. I am not Hawaiian. I am Portuguese and Spanish. The way Waipā treats me is like I am some kind of *ali'i*. I know I am not, but you folks treat me that way. I am honored today to cast my vote in favor.

Council Chair Kaneshiro: For me, I am in total support of this. This is a Bill for First Reading. I am not going to be here for the Public Hearing, Committee Meeting, or for final reading. I will add my support to this now and hopefully it will stay on record that I completely support this, and we have the money for it. When we talk about preserving ocean or *mauka* access, this is preserving *mauka* to *makai* access. Stacy runs the *mauka* side. With getting this piece, they will be connected to the ocean. I am in complete support of this. With that, we will take a roll call vote.

The motion for passage of Proposed Draft Bill (No. 2890) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 14, 2022, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Cowden, DeCosta, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	Chock	TOTAL – 1.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) recused.

Council Chair Kaneshiro: With that, I know we are almost at lunch. I want to get through the contractor's bill. I do not anticipate the guest house bill taking long. If we can do the guest house bill, the contractor's bill, and we will take lunch after.

BILLS FOR SECOND READING:

Bill No. 2860 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE

Councilmember Kualifi moved to approve Bill No. 2860 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Is there anyone in the audience wishing to testify? I will suspend the rules. Lonnie.

*(Councilmember Chock was noted as present.)*

There being no objections, the rules were suspended.

Mr. Sykos: For the record, Lonnie Sykos. We all want to go to lunch, and I will be very brief. I did not read through the Bill sufficiently to find the detail of whether off-street parking would be required for each unit. My view is that you cannot allow the increase of density on streets that were not designed for the increased density. If you want to add more bedrooms...I live in Wailua Houselots, if you want to put more bedrooms in my neighborhood, okay, but you cannot put the parking on the street, because we are already running out of parking. It creates a hazard, especially in areas like Hanamā'ulu. This has been discussed for decades how the public is overbuilt in areas, there is a lot of illegal construction, which I am not trying to get them into trouble. The police and fire departments have difficulties getting their vehicles through there. If there were to be a fire, we could have a serious problem. It is a matter of public safety. You cannot simply say, "Hey, we will put all these cars there and park them." We are going to create all these new vehicles in an area and assume that you can park them on the street. Earlier, we listened about that in the Po'ipū area that they did not want to get displaced from their parking. This is the same thing where parking is reaching its limit in places. I would simply encourage that when you add more bedrooms, you implement off-street parking. Thank you very much.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Is there anyone on Zoom? I will call the 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 Cowden.

Councilmember Cowden: I am happy that we are allowing eight hundred (800) square feet as opposed to five hundred (500), so that it provides the housing that is needed. I am also comfortable that it is requiring one (1) off-street parking space per guest house in addition to the required off-street parking for primary dwelling units. A lot of guest houses are on agricultural land, so it is less of an issue. I recognize that there could be two (2) cars that want to be affiliated with the unit. It is very important to me that we got that one (1) space, and we did. We need the housing. I am very supportive of this.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I am very happy to support this. I think it is another important Bill that increases our supply for long-term rental inventory and gives more housing options for families.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I would like to thank my co-introducer for persevering. It took many years to accomplish this, it is here, and thank you for supporting it.

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

The motion to approve Bill No. 2860 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Bill No. 2873, Draft 3 – A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING AND CONSTRUCTION REGULATIONS

Councilmember Kualii moved to approve Bill No. 2873, Draft 3 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Is there anyone in the audience wishing to testify? Francis, followed by Lonnie.

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

FRANCIS DEGRACIA: Good afternoon, Council Chair Kaneshiro, and Councilmembers. For the record, Francis DeGracia, Kaua'i Field Representative, Hawai'i Regional Council of Carpenters. I am here in strong support of this Bill. I would like to thank you for all the hard work and efforts that were put behind this Bill, and I am seeking your support.

Council Chair Kaneshiro: Thank you. Lonnie.

Mr. Sykos: For the record, Lonnie Sykos. I am not in support of this Bill. I do not understand this Bill. The State has the obligation to regulate the contractors. The last time I was here for this Bill, I heard talk about human trafficking going on, and this Bill was necessary to control human trafficking. Have any of you contacted the Regulated Industries Complaints Office (RICO), which is the State agency who has oversight. They said they have never gotten a complaint about human trafficking. I am utterly opposed to this Bill because I am a homeowner. Why does the County want to pour resources into making sure that a contractor building a resort...you have background whether there are complaints against them. For me as a homeowner, I cannot find out the same information because I do not count, it does not matter. Our little projects as homeowners are small, but it matters for big operations. This is the State's *kuleana*. They do not want to issue the contractor's license. They have a department. What you need to do is have Ron Kouchi providing the money to the State entity that is supposed to regulate this. I do not want my County money spent doing a job that the State is failing at. I want my State representatives from Kaua'i to get the State government's act together, have the State take care of this, which is their *kuleana*. I encourage you to not get sucked into this because we cannot afford to tax ourselves to duplicate State services that we are already taxed for by the State. If they do not supply the service, we need them to do that. I do not understand this, and I do not understand why we are voluntarily putting ourselves out here. Thank you.

Council Chair Kaneshiro: Thank you. Ryan.

RYAN SAKUDA: Good afternoon, Council Chair Kaneshiro and Councilmembers. Ryan Sakuda, on behalf of the General Contractors Association of Hawai'i. I would like to provide comments. We do not think this Bill is necessary. We think it will add another layer of regulation and administrative work for contractors when there is already State law in place to address the issue of bad actors. With that being said, we are not opposed to the specific language that is contained in this measure. We appreciate the Administration's efforts to address some of our concerns that were raised in previous testimony. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Lonnie, did you want to speak a second time?

Mr. Sykos: For the record, Lonnie Sykos. I did not bring my computer up here to read you the text. Within this, if the contractor is dinged, the language says that there is an indeterminate period that the contractor is required to tell the County agency. The language that is used is not indeterminate, it says that contractors have a reasonable amount of time. The language that is used is not legally enforceable. The language is meaningless. Thus, the whole thing is unenforceable because there is no timeline that they have to report the infraction. I object to the language in this, and object to the fact that we want to spend County money performing a State function. Thank you.

Council Chair Kaneshiro: Is there anyone else wishing to speak for a second time? If not, is there anyone on Zoom wishing to testify? Nathaniel.

NATHANIEL KINNEY (*via remote technology*): Thank you, Members. Nathaniel Kinney, Hawai'i Regional Council of Carpenters. I want to thank you for all the hard work that was put into this Bill. As mentioned, the meaning behind the legislation is to stop unscrupulous contractors from misclassifying employees as subcontractors. Contractors that misclassify employees as subcontractors allow these bad actors to avoid paying for workers' compensation insurance, State unemployment, GET taxes, and Federal withholding taxes. As far as the issue of duplication of efforts on behalf of the State, this disclosure Bill will help State agencies like RICO, wage and hour, Federal authorities, the Department of Labor, and the Internal Revenue Services (IRS), to build cases against bad actors and prevent cheaters from stealing jobs from local people. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else on Zoom? Are there any questions from the Members? Councilmember DeCosta.

Councilmember DeCosta: I would like to address Mike Dahilig. Hi, Mike. I want to thank you for putting a lot of work into this, meeting with different entities, and improving the language. On record, I would like to say thank you. I want to ask you a question and I know you answered it for me the last time. I believe there are one (1) or two (2) positions that we are planning on filling. For the record, I want you to answer it again. In the Building Department and the personnel that we have, are we going to be okay to receive this work that might be a little more cumbersome.

Mr. Dahilig: We should be okay. As the dialogue evolved in the Bill, that is something I tasked the Building Chief along with her supporting staff to look at integrating this into the e-Plan Review process, so that this is seamless, digital, the touchpoint remains the same, and there will not be more paper. The information can be pushed over to a digital-ready interface, like a website, without much effort. That is our intention and to have that folded into the overall set of information that is already put in as part of the process.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, I will call the meeting back to order.

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

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

Councilmember Cowden: First of all, I want to thank the Carpenter's Union for bringing this to our attention. I agree, and it sounds like there is a problem. I would not have been aware of it. I heard back from the Department of Commerce and Consumer Affairs (DCCA). I was shocked to see that RICO had a total of three hundred fifty-nine (359) complaints from Kaua'i. That is a lot. It looks like the number of complaints in a year is between thirty (30) to mid-fifties. They did not give me the details of it. Like what Lonnie said, I think that is the State's responsibility. I would like to work with the Legislative team to find a person and request for a position from RICO and DCCA. We need that on Kaua'i, fulltime, or several times a week. If we have three hundred fifty-nine (359) complaints, it is more than just the contractors. I feel like that is a glaring hole in our regulatory industry. That is the direction I think is the most important. What I am concerned about is that we are going to further burden the Building Division. I am hearing that we can hire a new person, but we have a hard time hiring a director for that department. What I learned in almost four (4) years on the Council, is the impact of unintended consequences. I want to help to make sure that our employees are treated as employees instead of subcontractors. I fully support the importance of what Nathaniel said. I am not sure that the County is going to be able to chase it out well. I think it can further delay permits, it will increase building costs, or it may discourage needed projects. We need to press the State. If they have numbers like this, three hundred fifty-nine (359), and they are not addressing us, we need them to come over here and address us. I do not want to give them a reason to take their hands off the process.

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

Councilmember DeCosta: As Chair of the Public Works & Intergovernmental Relations Committee, I work hard with the Administration. They introduced this, I worked hard with Managing Director Dahilig. We worked hard with the commercial and residential contractors. It is evident that we did not make everyone happy, but it is also evident that the concerns we talked about during the meetings were addressed in the language change. There is DCCA, a State entity in Honolulu, by the time they get the call and come to Kaua'i, that process in the game may have already taken place, and they are out of the working field. I heard Ryan Sakuda, although he does not support this Bill, he appreciates the language change, and they can work with the language. The Kaua'i Contractors Association (KCA), wanted me to say on record that they do not support this Bill because some of their language was not addressed. This is how I look at this, we have a problem, with nonunion workers on union jobs. The union workers go to an



apprenticeship program for five (5) years. They put a lot of time and energy into getting that skilled certificate, to turn around and get work taken away from them. I would like to think that this is a well-thought-out process we have shown entities on Kaua'i that we can work together, curved our language, and came up with Bill. This will help DCCA. If they ever want to investigate, the County will have a paper trail. We are not going to be the investigators, we are not going to spend money on investigating, because we do not have the team to do it. It will give a little paperwork to keep the people who do not belong in that industry working when it belongs to the union workers. Thank you.

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

Councilmember Evslin: I support this. I appreciate all the work that went into it. When it first came to us, it raised several red flags on our Council and amongst some of the stakeholders around potential impacts to housing, small subcontractors, last minute change of plans regarding tree trimmers, et cetera. I appreciate the work the Administration did by going back to the table numerous times with all the stakeholders to try and work through these issues to ultimately get to a Bill. You may not have the full support from everyone at the table. You may not entirely solve the problem, but I think it is going to do a lot of good. In just the act of disclosure, will help discourage bad actors. Not to mention helping DCCA get the information they need, et cetera. It is not about being union or nonunion, it is about contractors with actual violations. I support this. I appreciate the changes that we made to ensure that it is not impacting housing and individual homeowners doing small additions to their house. I am hopeful to see it being passed today. Thank you.

Council Chair Kaneshiro: Is there anyone else? For me, I will be supporting it. I do not remember hearing anything about human trafficking and I do not think the Bill has anything to do with human trafficking. I heard of situations where workers are coming from the mainland, being independent contractors, not having to pay health insurance, and all these other benefits that local contractors would have to pay. They were getting these jobs and taking jobs away from local contractors that have to pay health benefits, retirement, and other things. That is where they were talking about bad actors where people were coming down who did not have their license and competing with licensed contractors trying to do the job. At the end of the day, there is a lot of work on the language. I believe it is a Bill that I do not think it is going to take a lot of work on the County's end to implement. I think it is something that was worked around where everyone agrees that the Bill will work. With that, I am in support of it, and I am in support of giving our workers a fair chance at bidding on projects here. The last thing we want to see is someone from Kaua'i sitting on the sidelines while people are flying here from the mainland who are not needing to compete on wages, health benefits, and getting the jobs. I am in favor of this Bill. Councilmember Carvalho.

Councilmember Carvalho: I am in favor. One of my bigger concerns was the Building Division staff. I was told that we will work through that, and everything is good. As far as the Contractors Association, we deferred this Bill and

went through some of the language and verbiage. I think we did a good job sorting through everything and coming up with what we have before us now. For me, I support this.

Council Chair Kaneshiro: With that, roll call vote.

The motion to approve Bill No. 2873, Draft 3 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, DeCosta, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	Cowden	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: With that, we will take our one-hour lunch break and come back to finish our Council Meeting Agenda, an Executive Session item, and the Committee Meeting.

There being no objections, the meeting recessed at 1:01 p.m.

The meeting reconvened at 2:05 p.m., and proceeded as follows:

Bill No. 2877 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE ZONING ORDINANCE), CHAPTER 12 (BUILDING CODE), AND CHAPTER 13 (ELECTRICAL CODE), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS FOR PARKING

Councilmember Kuali'i moved to approve Bill No. 2877 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 on this Bill? Is there anyone in the audience wishing to testify? Lonnie.

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

Mr. Sykos: For the record, Lonnie Sykos. Electric vehicle parking stations. I have a suggestion for the County. This Bill basically addresses the issue being punitive, that you will do this and if you do not, there will be a penalty. I would suggest you flip this around, you eliminate this, save us all a ton of money and time. In the permitting process you provide a benefit for the installation, the exact installation you are asking for today, but rather than doing it

as a punitive act “if you do not do it,” let the marketplace determine what the market should do, which the government generally does no one any service by interfering in the market, and so let the market decide that they want to do it by recovering some amount of a permitting expense. You can even create a specialty permitting expense and waive it if they do it. There are all types of options to do this as an opportunity versus a punishment and then we do not have to go through all of this language and ask if this is enforceable or not. Thank you very much.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience or on Zoom wishing to testify? None. Are there questions from the Members?

Councilmember DeCosta: I have a question.

Councilmember Cowden: Is it a clarifying question to the testifier?

Councilmember DeCosta: I have a question to the Building Division. The testifier brought up a good point about incentivizing.

Council Chair Kaneshiro: This one actually came from the Planning Department.

Councilmember DeCosta: Oh, okay, the Planning Department. He brought up a good point. That is why we listen to testimony; they do not just show up to talk. They show up so we can get a better understanding of what needs to happen. I want to ask the Planning Department if what Mr. Sykos said about the incentive part, could we look at that? Is that a possibility for this?

Ms. Higuchi Sayagusa: My understanding of the way this ordinance works is that it is an encouragement for when there is total parking space required as one through ninety-nine, it is not mandatory, but it is encouraged. If encouraged, there is a slight minimum of fifteen percent (15%) of the parking that is already required. There is a little bit of encouraging the markets to respond and to provide things. It is “baked” into the ordinance, but yes, there are penalties embedded also in this ordinance, but really it is sort of designed towards encouraging owners to include it. For one hundred plus (100+) there is a five percent (5%) mandatory requirement.

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

Councilmember DeCosta: Could we discuss that language or is it too late to have that discussion?

Council Chair Kaneshiro: It would go back to Committee if we wanted to amend the Bill. This is actually Councilmember Kualii and Councilmember Evslin's Bill.

Councilmember DeCosta: Maybe I can address the question to them? Did you consider the possibility of an incentive that Mr. Sykos brought up, instead of the punitive part that they get penalized, did you look at that? Is that a possibility?

Councilmember Kualii: There is nothing punitive in encouraging, right? If you are talking about the one hundred plus (100+), that is State law. We did not at this time look at an incentive program instead, but we are encouraged by the funding possibilities, so that maybe a business that would be putting in a parking lot and wanted to initiate this, seeing the future demand, could potentially go after Federal funds.

Councilmember DeCosta: Did you hear what Councilmember Kualii stated, Mr. Sykos? I am trying to get you an answer, Mr. Sykos. Thank you for that clarification.

Council Chair Kaneshiro: At the end of the day if you wanted to incentivize it, then the Council during the budget process would put money towards it or find a grant program or some type of program putting money towards installation of chargers. Councilmember Evslin.

Councilmember Evslin: Just to back up a little bit. As Jodi said, anything under one hundred (100) stalls, the actual EV chargers are not mandatory they are encouraged. It is the EV-ready infrastructure that would be mandatory for those parking lots. The reason we went towards requiring EV-ready infrastructure is because the market is not there yet for all these things to have EV chargers. We know without a doubt that it is going to be there. You have car companies committing to only EVs post-2035, we have states committing to only EV past in 2035, and Hawai'i State law says one hundred percent (100%) EV past in 2045. We know the market is going there. The problem is that it is an incredibly expensive to retrofit a parking lot to install EV chargers. It is very cheap when you are doing it during new construction. The actual study, California has EV-ready laws, they did a post, "What is the impact of it," study, and what is the cost per stall on EV-ready, and their cost came back at one thousand three hundred dollars (\$1,300) for a dual. The EV-ready for a dual head that serves two (2) stalls. That is during construction when it is cheap. The other thing that sorts of made it timely right now is that unprecedented amount of money is coming to the State from the Federal government for EV chargers. The Hawai'i Department of Transportation (DOT) has something like seventeen million dollars (\$17,000,000) to go towards EV chargers. The State currently has rebate, they increased the barrel tax to do a rebate for EV

chargers. Therefore, if you are installing a charger, you are getting most of these things paid for. And to what Council Chair Kaneshiro stated, if the County did on top of that incentivize EV-ready, which I think we should, that we could come up with a rebate program by allocating money to the Office of Economic Development (OED) to a grant program EV-ready infrastructure and target it towards housing, or whatever we want to do. That is something we have certainly been discussing with OED on how to do that.

Councilmember DeCosta: I want to follow-up since...I think you did not ask for a clarifying question. Yours was a clarifying discussion.

Councilmember Evslin: I was responding to your question.

Councilmember DeCosta: Right.

Council Chair Kaneshiro: He is not answering Mr. Sykos, he is responding to you.

Councilmember DeCosta: I have a clarifying discussion.

Council Chair Kaneshiro: You can ask any question you want.

Councilmember DeCosta: How did you get those statistics that everyone is moving into these EV chargers and electric vehicles, and you said that the states of California, Hawai'i, and Oregon, but there are many states across the nation that are not moving into electric vehicles. What if we get a change of leadership in Hawai'i? What if our new governor or new president does not like this route? All I am saying is that your statistical data for this, does it change with government leadership?

Councilmember Evslin: Just to clarify, California made a law saying no more sales of gasoline cars after 2035. Twelve (12) states in the country, their vehicle laws are directly linked to California, so when California changed their laws, twelve (12) other states followed suit instantly. It is something like a third of the population in the country is linked to California's laws. Many follow even after the fact, just because they are such a big chunk of the market. When they announced their "No sale of gasoline cars by 2035," something like a third of the vehicle market followed suit, essentially, saying "We are not going to be selling gasoline cars post-2035 anyway." That is partially driven by money going into it, but it is also partially economics, right? In that, right now, most of the EVs in Hawai'i are cheaper to own and operate right off the lot than their fossil fuel counterpart. Electric vehicle companies are seeing that is where the market is going and by 2035, there is essentially going to be no reason to be producing fossil fuel vehicles anymore. That is part of the reason why Hawai'i has a law saying that by

2045 one hundred percent (100%) EV. All that said, we know the market is going in this direction, yes, partially driven by federal and state initiatives, but it is doing it anyway. All we are saying is we want to ensure that we are prepared by ensuring there is EV-ready infrastructure in the ground so that people can easily add charging stations when they are necessary without having to rip up the lot.

Councilmember DeCosta: I understand. Yet, you are doing this, and they are getting a penalty if they do not do it, is what I am trying to say. We did not do the incentive yet, but we did the penalty. That is all I was asking this morning. Can you look at having an incentive, and if so, should we just wait and introduce that later? Can I share why this is very important to me?

Council Chair Kaneshiro: You can say why during discussion.

Councilmember DeCosta: You are right, Council Vice Chair Chock.

Council Chair Kaneshiro: Are there any further questions?  
Councilmember Cowden.

Councilmember Cowden: Who are the twelve (12) states?

Councilmember Evslin: I looked it up during the Committee Meeting, I do not have it at the top of my head, but they are scattered throughout the nation. Not Hawai'i.

Council Chair Kaneshiro: Are there any other questions? If not, we will go into final discussion. Councilmember DeCosta.

Councilmember DeCosta: When we did our laws that we absorb from the states in Building and per Douglas Haigh, we decided to insulate all the houses, every house has to be insulated. That is a law by the states and not Hawai'i and yet we adopted it. Now construction cost is that much higher because your insulation in your roof cannot be open beam anymore. If you want to do open beam, you have to do a double roof. It is all insulated. You can contact the Building Division and talk to Ryan Koga, because I have been asking that exact question. It was driven by the electrical compliant era that we are moving toward. All I am asking the introducers is because they introduced this, you are passionate about it, I want to make sure that the other half or the other two-thirds of our people on Kaua'i, if they are not okay with it, I want to advocate for that. That is all.

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

Councilmember Cowden: I value the intention of this Bill for facilitating forward progress and moving towards emission-free vehicles. I value that intention. I like what Mr. Sykos said. It is important to incentivize rather than create barriers. In my view and having been in business most of my life, the market is really what should drive this transition. If we are moving there because of all these changes that are happening, we will move there, but car manufacturers, auto dealers, and car rental companies, they build synchronized marketing plans. When this is all ready to happen, it will come out coordinated. Car rentals, resorts are going to work together. When it is ready for their big gain in the market share, it will come out, rollout for batteries recycling, service stations, and it will at that time tie in to the municipal and resort needs. As this has been up, I looked at all these different charging stalls and I found out that our charging station is broken in this parking lot. I know we have some across the way. The ones I have seen in the shopping centers, they are more often, and there is just two (2), they are not even being utilized. When I have talked to people about parking, they are not even shopping there. It is a little bit not used correctly. Again, I am going to use this phrase, "unintended consequences," which is the hardest thing for me in this position is having voted on things that sound good and then having to live with the unintended consequences. So what might those be? Say someone has two (2) chargers out of their seven (7) that are not working, or whatever, their fifteen (15). If they get penalized, we have the potential of ten thousand dollars (\$10,000) per day, per violation. We have this ruthless penalty policy. I think that is a problem. I looked at the Kaua'i High School gym being built, something like that, if this was in place, it would require a certain percentage of EV, I think. You are shaking your head no, but...I thought you were. You went like this, so that is what it looked like. If suddenly, we could not build that gym because we needed to do parking stalls or when the *lū'au* building at the Sheraton Coconut Beach burned down, and they built something substantial back, that would be a problem. I think about urban renewals or repurposing buildings...I think it could raise building costs. I can see it interrupt grant applications. I have not thought about what he said. I like it when there is high incentive to create something, because I agree it is a trend line that we are moving towards. We are not there yet. 2035 can either come very quickly or we can have technology change radically. If I was putting in a parking lot, would I want to put that conduit, sure. That is smart to put it in there. Would I want to make that required and actually power it up? I do not think so. It brings charging people to the shopping center for the wrong reasons. They are just coming and siphoning the energy without going for the shopping. I learned that there will be chargers that can charge a vehicle in fifteen (15) minutes. That is great. There are much cheaper systems that are on threshold. If it works, that is great. The market is naturally going to bring it there. If we have these state requirements in, let those state requirements be there, and again, not take freedom away from people who have their own vision for how they are going to do their own business or building, et cetera.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: Regarding maintenance, for all the existing chargers out there, maintenance is not required. Maintenance is only required for chargers that are triggered because of this. Therefore, someone building a new one hundred plus (100+) stall parking lot and has to put in the five percent (5%) installed chargers, maintenance is required for those. It would not instantly require people who voluntarily installed chargers in the past to do maintenance. So, your concern over people getting fined for the lack of maintenance is going to be initially for new lots or for large renovations that trigger the requirements. As far as siphoning energy everywhere can charge fees. State law allows for charging fees. You can charge over and above the cost of electricity to recover cost of the infrastructure or whatever you want to do. Many of the chargers out there right now do charge. Those malls and such that do not charge, they are making a financial decision. A place like Kukui Grove, you have two (2) free hours. They are doing those two (2) free hours to draw people to the mall for two (2) hours, and if they wanted to, they could charge for those hours. Safeway charges right off the bat. That is their own decision. Siphoning energy I do not think is a reason to oppose this. As far as discouraging urban renewal, renovations, et cetera would not trigger it. What does trigger it is only if you are adding two thousand (2,000) square feet onto an existing building with one hundred (100) or more stalls. That is certainly not going to be infill development, because there is not a whole lot of one hundred (100) or more stalls the interiors of our towns. Yes, I think the example you gave of the new *lū'au* at the Sheraton, that would be a rare example of a two-thousand-square foot addition to a hotel, which would trigger them coming into compliance with the five percent (5%) charging requirement. It happens at times if they are doing a large expansion, but it will not be common.

Getting back to the market solving it. From the Director's Report, they cited that the largest barrier for EV ownership right now is a lack of available public charging. If you are a renter in a house, you will not have a suitable electricity level for charging. If you live in an old home, it is hard to install the necessary electrical infrastructure. If you live in a multifamily apartment building, there is no charging. The lack of charging for these people is going to be a persistent issue in the future. It is already the largest barrier to EV ownership. The problem with waiting until there is more EVs or letting them install them at their will, is because the cost of ripping up an existing parking lot is going to be five (5) times the cost per stall than it is to do during new construction. They are not going to do it. The reason to require it now is so they can save money down the line and install them when necessary. EV ownership has grown in Hawai'i sixty percent (60%) year on end. There is essentially sixty percent (60%) growth in the EV market year over year. The market is exploding. You can already see in the County lot that the EV charging stalls were not full when they first installed those a year ago, and now they are almost always full. We are getting there, and I hope that we can support



this. I think part of the reason we did not hear negative feedback from business owners is because they are already doing it. We met with the Chamber of Commerce, and they said it should be stricter. When I went to the Planning Commission, Francis DeGracia, who is the carpenters' representative to the Planning Commission, his quote in there was, "This should probably go further." I think you see both by the business industry and the construction industry recognizing the need for this. They are already doing it, so let us get it done. Hopefully we can support this today. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I have a quick thing to add. As a reminder, we have been working on this for a year. We reached out to all the different stakeholders, worked closely with the Office of Economic Development, and it has been nothing but positive. To hear concerns now and potential "No" votes, is troubling.

Councilmember Cowden: Can I respond to that?

Council Chair Kaneshiro: You have your discussion. Councilmember Cowden, followed by Councilmember DeCosta.

Councilmember Cowden: I have been consistently feeling friction on this. I love hearing you say, "People are doing it now anyway." If I was putting in a parking lot, at the minimum, I would have put in the conduit. I worry that there will be changes. I brought up the problem of the recycling of the batteries, shipping them away, or people having to put their car on a boat to get to Honolulu to have it worked on. It is not like I have not expressed my concerns. I have been consistently expressing them.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I am trying to do the math. You mentioned sixty percent (60%). Does that mean we sold ten (10) electric cars last year, and this year we sold sixteen (16). So, there is an increase of sixty percent (60%)? We sold six (6) more from the ten (10), so sixteen (16). You sold ten (10) last year, you sell sixteen (16), you sold the same ten (10), and six (6) more. That sixty percent (60%) sounds like a lot, but it depends on the original number that you use. It is our purview to change our mind and to listen to our constituents up until we make our final vote. You worked on this for a year, we worked on a lot of things over a year, and we change our mind all the time. That is what we do here. We take constructive information, we make our educated guesses, and we satisfy the constituents that we speak for. We are not going to speak on behalf of the same constituents. Yes, I have reservations right now. I may decide to vote yes or no. I

am asking you to convince me now...something was brought up on the floor that is important to me. He made a lightbulb go on in my mind and I want you to answer that.

Councilmember Kualii: We answered that question.

Councilmember DeCosta: Let me finish. What is the holdup for you folks to go back, revisit the language, and say, "Hey, can we work with Planning?" I am good.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I am sorry if there is frustration. Part of the frustration for Councilmember Kualii and I is that we went through Committee with almost no discussion. If there were concerns or potential amendments, let us do that in Committee. Let us have this discussion in Committee and not at second reading. It is fine if you do not support the Bill. That is your prerogative. If you feel that there is more work or amendments to do, we should have done that work in Committee instead of sailing through. Lastly, I failed to thank my co-introducer Councilmember Kualii, the Planning Department, the Office of Economic Development, and Leolynne from the Building Division, for all of their work and time with us for over the past year. Thank you to everyone involved.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: For me, I know I have been through many discussions on my own. I think we have gone through many opportunities to bring this back to the table. I have met with many different groups and organizations, the Planning Department, et cetera. I think we are moving in the right direction.

Council Chair Kaneshiro: Is there anyone else for final discussion?

Councilmember Kualii: I would like to add to three (3) key groups that were involved who we met with, talked to them with groups, and had virtually meetings. The Chamber of Commerce, The Board of Realtors, and Kaua'i Island Utility Cooperative (KIUC).

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I wanted to say the reason why I brought this up in final reading is because this is the only time that Lonnie brought up his point. He did not bring it up in Committee. If he brought up in Committee, it might have caught me at a different avenue. I am not trying to take away what you worked on. I am not trying to do that. I want to make sure we are thorough.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I would like to add that the reason I am bringing it up now and not the last time is because I felt thoroughly bullied on the two (2) Bills right before it to the point of tears. I was like, "Okay, I just let you have it right there because I do not have the energy to talk to you about it."

Council Chair Kaneshiro: Okay. Roll call vote.

The motion to approve Bill No. 2877 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, DeCosta, Evslin,	
	Kuali'i, Kaneshiro	TOTAL – 6*,
AGAINST APPROVAL:	Cowden	TOTAL – 1,
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 DeCosta was noted as silent, but shall be recorded as an affirmative for the motion).*

Ms. Fountain-Tanigawa: Six (6) ayes.

Bill No. 2887 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND

Councilmember Kuali'i moved to approve Bill No. 2887 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Is there anyone in the audience wishing to testify? I will suspend the rules. Lonnie.

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

Mr. Sykos: For the record, Lonnie Sykos. Since I cannot address a Member individually, I will address Council Chair Kaneshiro. Council Chair Kaneshiro, it is insulting to sit here and have a Councilmember object to the public's observance because to him, it is an inconvenience that it was not done at a previous meeting. It is that simple. Do we want to rule by punishment, or do we want to rule with the consent of the people that we are passing judgment over.

Now, to sit here and speak, what is the point, Councilmember Kualii—Chair—of the public coming here, when we are told by the Council that they do not want to hear what we have to say. That is why the room is empty.

Councilmember Kualii: I did not say that.

Mr. Sykos: That is what I heard and that was said about my former testimony, and the same for this one about money. You do not want to hear what the public has to say, unless they tell you what you want to hear. That is why the public is not here.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Is there anyone on Zoom? Are there any questions from the Members?

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

Council Chair Kaneshiro: Is there any final discussion? I will say, the testifier can come and testify, we need to listen. Whether we attach to what they want, what they say or not, it is up to the individual Members. In the last item, there were Members that got attached to what the testifier had to say, made their vote, and that is the way it goes. If the majority of the Members got attached to it, we probably would have put it back into Committee, voted it down, or did something else. I do not want to talk on the last Bill. If it comes to incentives, it would be a completely different Bill, or it can be handled in budget. It does not necessarily need to be in the Bill that we had. I do not want the public to think that they are not welcome to testify. I may not agree with the testifiers all the time, but it is the testifiers' right to come here to say how they feel on a certain Bill. That is their right, and that is the right that we are going to give everyone. Whether testifiers want to bring a lot of information, provide us with information, or grumble to us about it, it is up to them how they want to testify. That is their time to voice their concerns on the Bill. We would never take that away and we will never tell people not to come. It is always their right to be here. They can email, testify, or they can call. Councilmember Kualii.

Councilmember Kualii: I will be very clear, there is nothing that I have ever said or done to say that I do not want to hear from the public or to hear their testimony. The testimony I heard today and the question I got from Councilmember DeCosta, was whether we considered an incentive program. The answer was no. This Bill was not an incentive program, but we can also look at that. I am not saying that it should be that instead of this. There was nothing there that ever discounted anyone's testimony. I do not understand what is happening. I always welcome everyone's testimony.

Council Chair Kaneshiro: Is there any final discussion on Bill No. 2887? Councilmember DeCosta.

Councilmember DeCosta: I have sat here during final discussion where you have changed your mind a few times, Councilmember Evslin changed his mind

a few times, and Council Chair Kaneshiro has. Our job as a Councilmember is to listen to our testifiers. If what they say resonates, we bring it to discussion. That is all I did today. I resonated with one of the testifiers, I brought it to discussion, and I asked you folks a nice question. It was logistically a good question if you considered an incentive, that is all. I think we have the right to do that. That is how I stand. It may be protocol on final reading that we do not send it back to Committee, but if it is that important, I think that is what we do. That is all I have to say.

Council Chair Kaneshiro: Is there any further discussion from the Members? If not, roll call vote.

The motion to approve Bill No. 2887 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Can you read us into Executive Session?

EXECUTIVE SESSION:

ES-1083 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 to provide the Council with a briefing on the retention of Special Counsel to represent the County of Kaua'i in general civil litigation matters or to provide specialized legal guidance. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Cowden moved to convene in Executive Session for ES-1083, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify? Lonnie.

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

Mr. Sykos: For the record, Lonnie Sykos. I recognize that the Council Chair has great latitude in determining what falls under the terms and conditions that allow you to go into Executive Session. From the public's perspective, we presume that this money is being asked for lawsuits that already

exist. If they already do, they are a matter of public record. What the public would like to know before you vote and decide to expend this money is, what are the lawsuits that this money is for? The fact of the lawsuit is public information. The County's defense is a matter that needs to be kept within the Office of the County Attorney. What is the issue or issues that you are requesting to spend fifty thousand dollars (\$50,000) for? Thank you.

Council Chair Kaneshiro: Is there anyone on Zoom wishing to testify?  
Are there any questions? Councilmember Cowden.

Councilmember Cowden: Can I ask Matt Bracken a question? I think this is basically general funding.

Council Chair Kaneshiro: We are going to go into Executive Session, and we have to come back out and vote on the floor. At that time, you can make a statement on it. I do not know exactly what it is. I think I might have an idea what it is for. I would say that we go into Executive Session first. When we come out to vote on the floor, you can ask Matt what we can say.

Councilmember Cowden: Okay.

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

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

Council Chair Kaneshiro: Is there any discussion?

The motion to convene into Executive Session for ES-1083 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. We will recess our Council Meeting, we will take our Executive Session, and we still need to come back out to vote on C 2022-254 regarding the Executive Session item. Recess, and then we are going to go into committee.

There being no objections, the meeting recessed at 2:37 p.m.

The meeting reconvened at 4:40 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are back to our Council Meeting, on page 3, C 2022-254.

C 2022-254 Communication (10/13/2022) from the County Attorney, requesting authorization to expend funds up to \$50,000.00 to retain Special Counsel to represent the County of Kaua'i in general civil litigation matters or to provide specialized legal guidance. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations.

Councilmember Kualii moved to approve C 2022-254, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: County Attorney Bracken is present, I will suspend the rules and whatever you can say on this item, please feel free to do so.

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: The purpose of this item is to hire Special Counsel to consult with on open matters that we have. It is not for any specific case, but we are looking for a firm that can help us and provide additional guidance in employment law cases specifically. No specific case matter, it is for us to have the ability to have outside counsel to ask questions and bounce things off on specific employment matters that we do not have this specific area of expertise.

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

Councilmember Cowden: Just for clarification, the person that we just had, Mr. Hirai, would be an example?

Mr. Bracken: Correct. He was on a special counsel contract very similar to the one we are trying to approve today, where it is open, and we can call on them as needed.

Councilmember Cowden: Will it probably last a few years?

Mr. Bracken: I would expect it to.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Just for our constituents watching, it is important to have this special counsel, right, because it will eventually save the County money if they can advise us in the lawsuit that we may be in.

Mr. Bracken: Correct. That is our hope. Our attorneys are general practitioners, we are expected to know lots of different areas of law, but we do not necessarily always have the depth in certain areas of law. Employment law being the example in this case, where we would like to consult with outside counsel, so we can make the right decisions in litigation.

Councilmember DeCosta: Small fee to protect us from a larger fee.

Mr. Bracken: That is correct. By handling the cases in-house, it does reduce the cost overall for the County and then we just get the guidance and help when we need it.

Council Chair Kaneshiro: Is there any other questions from the Members? If not, is there anyone in the audience or on Zoom wishing to testify?

Mr. Sykos: *Mahalo* from here. For the record, Lonnie Sykos. To the Council, thank you very much. To our corporation counsel, thank you very much, sir. We are edified, we have as much information as we are supposed to have at this moment. Thank you very much.

Council Chair Kaneshiro: Are there anyone else in the audience or on Zoom wishing to testify? None.

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

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

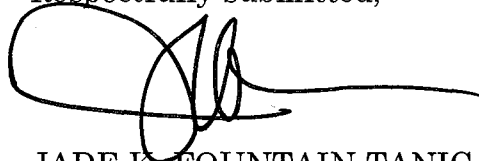
The motion to approve C 2022-254 was then put, and unanimously carried.

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

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 4:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:ks