

COUNCIL MEETING

AUGUST 27, 2025

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, August 27, 2025, at 9:00 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Fern Holland
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i (*excused at 11:10 a.m.*)
Honorable Mel Rapozo

(Note: No one from the public provided oral testimony via the Zoom remote technology platform on any agenda item.)

APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there any discussion or public testimony on the agenda? Seeing none.

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

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

Council Chair Rapozo: The motion carries. Next item, please.

MINUTES of the following meetings of the Council:

July 30, 2025 Council Meeting
August 13, 2025 Public Hearing re: Bill No. 2961, Bill No. 2962, Bill No. 2963, Bill No. 2964, Bill No. 2965, Bill No. 2966, Bill No. 2967, and Bill No. 2968

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

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none.

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

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

Council Chair Rapozo: The motion carries. Next item, please.

CONSENT CALENDAR:

C 2025-181 Communication (07/25/2025) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Karl T. Miyake to the Board of Review – Term ending 12/31/2027.

C 2025-182 Communication (08/05/2025) from the Director of Finance, submitting for Council information, the following reports:

- a. County of Kaua'i Bond Summary of General Long-Term Debt: Roll forward for Fiscal Year 2025;
- b. County of Kaua'i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of June 30, 2025: General Bond Obligation Series 2010A RZEDBs, Series 2017, Series 2021A, Series 2021B, and Series 2024;
- c. Excluded County of Kaua'i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of June 30, 2025: General Obligation Bonds (Water Portion), Series 2021A, Series 2021B, and Series 2024, and CFD No. 2008-1 (Kukui'ula Development Project) Special Tax Bonds, Series 2019, and Series 2022; and
- d. State Revolving Fund Loan Outstanding as of June 30, 2025: Loan #C150059 20 - Lihu'e WWTP Process Improvements, Loan #C150059 23 - Hanamā'ulu and Kapaia SPS Renovations, Loan #C150050 11 - 'Ele'ele Wastewater Treatment Plant Improvements, Loan #NPS005907 - Cesspool Conversion Project #NPS597, Loan #C150059 13 - Lihu'e WWTP Effluent System, Loan #C150047 07 - Waimea WWTP Effluent System, Loan #C150055 05 - Wailua/Kapa'a Sewer System Improvements, Loan #C150059 16 - Marriott Wastewater Pump Station, Loan #C150059 15 - Lihu'e WWTP Digester Repair, Loan #C150047 04 - Waimea WWTP Expansion, Phase I, Loan #C150055 07 - Wailua WWTP Improvements, Phase I, Loan #C150047 09 - Waimea R.1 Wastewater Distribution System

Upgrades, Loan #C150055 11 - Wailua Sewage Pump Station (SPS) No. 1 Rehabilitation, Loan No. NPS 0047 11 Kekaha Gas Collection System, Loan No. NPS 0047 12 Kekaha Lateral Expansion Cell 2, Loan No. C150059 25 (BMP) Improvements at Various Refuse Transfer Stations, Loan No. 150050 12 - 'Ele'ele Subdivision Collection System Rehabilitation.

C 2025-183 Communication (08/11/2025) from the County Engineer, transmitting for Council consideration, a Resolution Establishing A No-Parking Zone Along Kukui Street In The Vicinity Of Its Intersection With Ulu Street, Kawaihau District, County Of Kaua'i.

Councilmember Kuali'i moved to receive C 2025-181, C 2025-182, and C 2025-183 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

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

Councilmember Cowden: I have a bit of discussion.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: On C 2025-182, I just want to acknowledge and thank the County Treasurer and the Department of Finance. I went through this and I want to recognize the correct trend. The County's debt is going down and I am very grateful for that. I am very grateful for the fact that the County has used cashVest and with the knowledge of the County Treasurer, the County has been able to use its money accurately and wisely, and I just wanted to make the comment that as a National Association of Counties (NACo) member, I watch these things that we have and today we had the big shift in funding, so there is a series on that. There is one trillion dollars (\$1,000,000,000,000) worth of federal funding that will shift to County responsibilities in the next ten (10) years, so the wisdom and the trend that we have in the County's Department of Finance...I just want to honor them and the County Treasurer. It is so important that the County is being wise right now. I try to watch what is coming up relative to the cash management and the changes in financial responsibilities. Good job so far. I am happy to share anything I am learning, too. I have a lot of faith in the County Treasurer, but it is of value for us as the Council, so I try to be on top of all these funds that are going to shift out everywhere including the fire department...a lot of people who are in the room here, federal funding is going to start to dry up, so thank you for doing a good job.

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

The motion to receive C 2025-181, C 2025-182, and C 2025-183 for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

COMMUNICATIONS:

C 2025-184 Communication (08/06/2025) from the Director of Economic Development, requesting Council approval of the indemnification provision and defense clause contained in Section 8 of the General Terms and Conditions of the Facilities Use Agreement with the University of Hawai'i, for use of the Kaua'i Community College Fine Arts Auditorium, and the County's participation in the Kaua'i Food Access Summit, scheduled from 4:30 p.m. to 9:00 p.m., on Saturday, September 20, 2025, to address food access issues on Kaua'i.

Councilmember Kualii moved to approve C 2025-184, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?
Mr. Sykos.

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

LONNIE SYKOS: For the record, Lonnie Sykos. Normally, I try to research all these things at home, however, I really admit that I do not have any idea what the Kaua'i Food Access Summit is. This would be an excellent opportunity for either the Council or whomever it is from the Administration (Admin) who is the County's participation in this event to inform the public as to what this event is about and whether or not the public will be invited. Thank you very much for this, but what is it about? Please let us know. Thank you.

Council Chair Rapozo: Thank you. Are there any other members in the audience wishing to testify? Councilmember Holland.

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

Councilmember Holland: Thank you so much. I am also really excited about this event and I want to speak to it a little bit. I was hoping that...to answer the testifier's question, the summit is really about food security and getting healthy food to people. It is exactly what it sounds like, it is about access to food. Mālama Kaua'i is hosting this event and it really is a wonderful event. There are two (2) incredible documentaries that are being shown on September 20, 2025, which we are approving today, and I strongly recommend people joining. I pulled up the

trailer, and I was wondering, Council Chair, if it would be okay to play the trailers for the documentaries, if you are open to it.

Council Chair Rapozo: The topic is just the indemnification provision.

Councilmember Holland: Okay. It is a great opportunity for people to attend. Jason Mamoa is in one of them, if that makes anyone excited. Common Ground and Kū Kalo are the two (2) documentaries that are playing.

Councilmember Cowden: Common Ground and Kū Kalo. It is open to the public and there are advertisements (ads) on social media.

Councilmember Holland: Yes. You can book your tickets through them. I will send around...just so everyone sees what it is. There is a strong recommendation to attend. It is a really great event.

Councilmember Cowden: Perhaps we can put it on our social media page.

Councilmember Holland: Yes, I will email it to all of you.

Council Chair Rapozo: It is open to the public. It is on September 20, 2025 from 4:30 p.m. until 9:00 p.m.

Councilmember Kualii'i: Is it free?

Councilmember Holland: I do not think it is free. It comes with food, too. I believe it is a food and movie night event.

Council Chair Rapozo: According to the memorandum (memo), it is a locally-sourced dinner followed by the film screening and a question and answer (Q&A) with the filmmaker. I do not have information on the cost. Are there any other questions?

The motion to approve C 2025-184 was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

C 2025-185 Communication (08/07/2025) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 16, Kaua'i County Code 1987, As Amended, Relating To The Traffic Code, creating necessary definitions for emerging technologies and an accompanying new section to Chapter 16 that addresses electric bicycles or e-bikes and their safe,

allowable use on public roads, thereby reducing the frequency and severity of e-bike-related incidents.

Councilmember Kuali'i moved to receive C 2025-185 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony? For your information, I will ask for a deferral of the Proposed Draft Bill. After our meeting yesterday, there are some housekeeping issues that we need to deal with, so I will be asking for a deferral, but we will definitely take your comments.

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

Mr. Sykos: For the record, Lonnie Sykos. Thank you, Council Chair. I had some technical observations about the Proposed Draft Bill, so I will not address any of that. Thank you very much. I would concur that the Proposed Draft Bill is a good start, but it does not solve some of the problems that exist and that will take lawyers to figure out the language. Thank you.

Council Chair Rapozo: I will be more than happy to get your input on the Proposed Draft Bill as well prior to introducing it or coming up. Thank you. Is there anyone else? Mr. Hart.

BRUCE HART: Council Chair, did I hear you say it is going to be deferred?

Council Chair Rapozo: Yes, it will.

Mr. Hart: Okay, so you are going to be doing more work on it?

Council Chair Rapozo: Yes.

Mr. Hart: I am glad that it was introduced. On Hawai'i News Now (HNN), there was not too far back...maybe a month or two (2)...they did an entire article on the problem of electric bicycles (e-bikes). I call them "toys." Again, it is on HNN and I would recommend that every Councilmember watch it. This is a serious issue.

Councilmember Cowden: Is it called, "toys"?

Mr. Hart: Excuse me?

Councilmember Cowden: Never mind.

Mr. Hart: Anyhow. I video is something I can send and I think I will send it to every Councilmember through your texts. You watch this and it is horrifying. On O'ahu, there are incidents where children are being injured on these e-bikes daily. They speak to the ambulance drivers and the different entities and agencies that are involved. I have video, but for liability issues I cannot use it, just on my street alone, so I have a lot to say about this Proposed Draft Bill. As it is now, I appreciate that it has been introduced, but it is not adequate. I spoke to the Hawai'i Bicycling League on O'ahu. I spoke to their president and I conferred some with Councilmember Cowden about this. He is willing to make a presentation to the Council and I would be very appreciative if maybe Council Chair, or someone else, like Councilmember Cowden, could get that person here to give us a perspective on how serious it is. Our *keiki* are being injured. Some of them for life. Alright, thank you.

Council Chair Rapozo: Thank you. Is there anyone else? We received testimony from the Hawai'i Bicycling League who supports the Proposed Draft Bill. Again, there are some technical fixes that we need to do and I would rather do it prior to the introduction before the public hearing, and not after the public hearing. That is the reason. Is there any other discussion?

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

The motion to receive C 2025-185 for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

C 2025-186 Communication (08/14/2025) from the Director of Finance, requesting Council approval of the indemnification provision and the unspecified future obligations contained in the Memorandum of Understanding with the State of Hawai'i Department of Land and Natural Resources (DLNR) to access restroom and storage facilities at Hā'ena State Park for the installation and maintenance of a photovoltaic electrical system, an internet satellite and WiFi system, and appliances for the County lifeguards.

Councilmember Kualii moved to approve C 2025-186, seconded by Councilmember Bulosan.

Council Chair Rapozo: Do you have questions? They are here.

Councilmember Cowden: Okay. They are very simple questions. Hello. This is basically the County installing, I am assuming, Starlink or is it a different piece just so the people at the end of the road have active communication with the

Kaua'i Fire Department (KFD) and the rest of the Ocean Safety officers. Is that correct?

There being no objections, the rules were suspended.

DEL SHERMAN, Information Technology (IT) Manager: Good morning. Del Sherman, IT Manager for the County of Kaua'i. You are correct. It would be a Starlink antenna and associated WiFi gear that would primarily benefit our lifeguards and public safety officers, but the public as well at that location.

Councilmember Cowden: Is this the first Starlink that the County is putting in any of its locations?

Mr. Sherman: I think the County has used Starlink for other public safety types of deployments.

Councilmember Cowden: Okay.

Mr. Sherman: This is the first one that will be used for more of a public service type of scenario.

Councilmember Cowden: Okay. This is just an indemnification for you folks to get in there and do the work? This Communication.

Mr. Sherman: Yes, that is correct.

Councilmember Cowden: Okay. I will keep my questions simple.

Council Chair Rapozo: Thank you. Are there any other questions for the Administration? If not, thank you very much. Is there anyone in the audience wishing to testify? Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. I realize that when different government entities enter into relationships with each other, it is very, very common to have the phrase "unspecified future obligations," however, unspecified future obligations could be a bottomless pit for the County. If we do not know what they could be, we do not know what we are getting ourselves into. As an example, because the County owns a helicopter, we spend millions and millions of dollars each year doing rescues on State land, which is the responsibility of the Department of Land and Natural Resources (DLNR), not the County, but because we have a reciprocity agreement, it is impossible for us to put pressure on the State to provide the services in their parks that they are legally required to have, so the State has absolute obligation to take care of the people who they entice to go to State parks, but the County ends up footing the bill. My only hesitancy about this is what kind of future financial consequence could the County end up with, because I sat through

every single meeting buying the helicopter and never once did anyone say the County was going to the State's job for them and pay for it with County money. My other question is, when the County puts Starlink in, if someone is out there with a cellular phone (cellphone), will the public be able to use Starlink? Those are my two (2) observation questions. Thank you.

Council Chair Rapozo: Is there anyone else in the audience wishing to testify?

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

Council Chair Rapozo: Let me try to answer that last question first. Del, if I am incorrect, you can come up and correct me. I do not believe this is going to be a public access WiFi hotspot. Okay, I guess I misspoke.

There being no objections, the rules were suspended.

Mr. Sherman: Good morning, again. Del Sherman, IT Manager, for the record. Just to add some additional information to the purpose that this could be used for, it is not a public WiFi in the sense that someone can park themselves outside the comfort station and watch Netflix. It will not support that type of bandwidth. However, it will serve the public in that an individual with a cellphone who needs to make an emergency call will be able to use WiFi calling, connect to the WiFi system that Starlink supports, and be able to make what we will call an "emergency call." Maybe they need help or maybe there is another circumstance that requires communication. It will serve the public in that sense.

Council Chair Rapozo: Are you saying that if someone dials 9-1-1, the phone will automatically recognize the Starlink signal? How would the cellphone know to use the Starlink signal?

Mr. Sherman: It will not be automatic. An individual would need to set up their cellphone to allow for that. All the modern smartphones support WiFi calling, for the most part. To enable it, though, you need to connect your phone to WiFi. There will be an obviously advertised free public WiFi that they will see on their phone that can connect to and once connected, they will be able to call 9-1-1. The disadvantage with that, though, is it will report whatever address they have preprogrammed into their account, which typically is their home address, so the location information will not work quite as smoothly, but the global positioning system (GPS) location should, so the dispatcher...

Council Chair Rapozo: I am a little confused. Starlink, like any other WiFi hotspot requires a password, right?

Mr. Sherman: Typically, a WiFi is secured with a password, but there is a way to advertise a WiFi hotspot with no password so you can automatically connect with no authentication and just “zip” right in and go...

Council Chair Rapozo: I understand, but if you set it up that way...if I go to Hā‘ena State Park, I take my cellphone, and I click “WiFi,” will Starlink show up with an unsecured opportunity to use that WiFi?

Mr. Sherman: It will.

Council Chair Rapozo: Then there will be people using the WiFi to watch Netflix at the park.

Mr. Sherman: We anticipated that. The way it will be set up is that it will block certain types of services. It will also be bandwidth-limited, so watching videos will be a painful experience.

Council Chair Rapozo: Okay. I got it. Councilmember Cowden.

Councilmember Cowden: Thank you. What I believe you have also provided, but just answering the other question relative to unspecified future obligations, when I read this agenda item, it is really just about going in there once or twice, maybe three (3) times to the storage facility and the restrooms, and it is not an ongoing piece, but if you folks need to fix something, you can enter and fix it on the buildings, but other than that, this is not an ongoing indemnification for all of the County’s emergency system. It is just for you folks to enter the buildings.

Mr. Sherman: Yes, and for use of that facility to place some solar panels on the roof and so on. For anyone who has concerns about what “unspecified” is and what this could possibly be, if you click the link in the agenda, it will take you right to the memo that was submitted where all of those things are detailed.

Councilmember Cowden: Yes.

Mr. Sherman: You can read exactly what it is we are asking for.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Thank you.

Mr. Sherman: Thank you.

Council Chair Rapozo: Is there anyone else? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I have one (1) question. It sounds like some of the solar panels and the rest of it...how is the County going to protect all of this from vandalism?

Council Chair Rapozo: I am sorry. How will the County what?

Mr. Hart: Vandalism. It seems to me that it is something we need to address. We could lose all that equipment two (2) weeks after it is installed. Thank you.

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

JOELL EDWARDS: Good morning. Joell Edwards. I am speaking as an individual of the North Shore community. These things right here make us feel really great. As you know, several of us came in when the AT&T cellular (cell) tower was proposed and their main proposal was the safety of visitors at Hā'ena and Kē'ē. We proposed that there was other technology, so to see the County come up with the solution when we are already seeing it down there, specifically at my place in Wainiha where we can now get satellite and it is a small area, so I am just in support of this. Thank you so much.

Council Chair Rapozo: Thank you. Is there anyone else? Is there any further discussion? To simplify this, the County is putting County equipment on a State building and this is what it does, it indemnifies. The County is responsible for the County equipment, not the building, and the State is responsible for the building, not the County's equipment. As far as vandalism goes, Mr. Hart, that is just one of the realities of life and we can only hope that the community there will not damage it.

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

The motion to approve C 2025-186 was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

C 2025-187 Communication (08/14/2025) from Councilmember Cowden, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To Uses In Districts, effectuating relevant changes to the definitions of "Family" and "Dwelling Unit," thereby preventing potential exploitative and impermissible uses of single-family residences, which erode the traditional form and character of neighborhoods.

Councilmember Kualifi moved to receive C 2025-187 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: The Proposed Draft Bill will be coming up later, but if anyone wants to testify now, we will take your testimony now. Seeing none, is there any discussion?

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

The motion to receive C 2025-187 for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next items, please.

CLAIMS:

C 2025-188 Communication (08/08/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Manuel Taniguchi, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2025-189 Communication (08/12/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kathryn Ledesma, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2025-190 Communication (08/18/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Hō'ike Kaua'i Community Television, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kuali'i moved to refer C 2025-188, C 2025-189, and C 2025-190 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?

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

The motion to refer C 2025-188, C 2025-189, and C 2025-190 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Rapozo: The motion is carried. Next item, please.

COMMITTEE REPORTS:PLANNING COMMITTEE:

A report (No. CR-PL 2025-09) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2961 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLANTATION CAMP DISTRICT WILDFIRE AND WILDLAND URBAN INTERFACE (WUI) (*County of Kaua‘i Planning Department, Applicant*) (ZA-2025-11),”

A report (No. CR-PL 2025-10) submitted by the Planning Committee, recommending that the following be Received for the Record on second and final reading:

“Bill No. 2963 – A BILL FOR AN ORDINANCE AMENDING “KAUA‘I KĀKOU – KAUA‘I COUNTY GENERAL PLAN” (2018) RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA‘I (*County of Kaua‘i Planning Department, Applicant*) (GPA-2025-2) (*Numila – General Plan Amendment*),”

A report (No. CR-PL 2025-11) submitted by the Planning Committee, recommending that the following be Received for the Record on second and final reading:

“Bill No. 2964 – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA‘I (*County of Kaua‘i Planning Department, Applicant*) (A-2025-2) (*Numila – State Land Use Amendment*),”

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

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none.

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

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

Council Chair Rapozo: Next item, please.

RESOLUTIONS:

Resolution No. 2025-34 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Karl T. Miyake*)

Councilmember Kuali'i moved for adoption of Resolution No. 2025-34, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

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

The motion for adoption of Resolution No. 2025-34 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kuali'i, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2025-35 – RESOLUTION ESTABLISHING A NO-PARKING ZONE ALONG KUKUI STREET IN THE VICINITY OF ITS INTERSECTION WITH ULU STREET, KAWAIHAU DISTRICT, COUNTY OF KAUAI

Councilmember Kuali'i moved for adoption of Resolution No. 2025-35, seconded by Councilmember Carvalho.

Council Chair Rapozo: Can someone come up and...I assume it is the Planning Department or someone. Who is...the Department of Public Works.

Councilmember Cowden: Troy.

There being no objections, the rules were suspended.

TROY K. TANIGAWA, County Engineer: Good morning, Council Chair and Councilmembers. Troy Tanigawa, County Engineer, for the record.

Council Chair Rapozo: Can you give us a brief...we have it here and we see it. I am not sure if...can we put this up? Is it possible to put this up? We can

see the drawing here, but the public does not. This is at the junction at Ulu Street and Kukui Street?

Mr. Tanigawa: That is correct. For some time now, there has been vehicle parking at that intersection. As you come up from Ulu Street onto Kukui Street, the sight distance is significantly impaired by vehicle parking on the right side or South side of Kukui Street. Any vehicles turning from Ulu Street onto Kukui Street had basically no sight distance because of the cars and I guess there also were some issues with the vegetation along the fence line on that boundary. This proposed parking restriction will prevent parking along that shoulder and mitigate the sight distance issues.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I am just asking a couple of questions to be able to assist listeners. That parcel—4-1345 Kūhiō Highway—is the old Roxy Theater, right?

Mr. Tanigawa: That is correct.

Councilmember Cowden: It is just so people know. I think the Dolphin Touch Wellness Center is right across and what has been the Computer Hospital. I am sure you communicated with all those businesses that are in that area.

Mr. Tanigawa: Yes.

Councilmember Cowden: Yes? And they are probably good with it.

Mr. Tanigawa: We have had barricades and traffic cones already delineating that section for no-parking for some time. I have not had any calls or complaints regarding that.

Councilmember Cowden: It makes good sense. I am very familiar with that little intersection there and it is difficult if there are cars on it.

Mr. Tanigawa: Yes. During the time when there was unmonitored parking, we had concerns about many close calls that, fortunately, did not result in any traffic accidents, but that is something that is now mitigated with this no-parking restriction.

Councilmember Cowden: During the Kapa'a Art Night, that entire area can get congested. There are all the cars that park everywhere, so I would think it is particularly problematic then, and even more important, to be able to see pedestrians and other cars.

Council Chair Rapozo: Thank you. Councilmember Holland.

Councilmember Holland: Thank you. Nice to see you, Director. I am wondering if there is any proposal for increased parking in any area along there, because I talked to some of the people who rent some of the businesses on the corner there and it can become quite problematic on that corner as you come around Kukui Street just past Lace It Up Kaua'i, Inc. There are cars that sometimes park on the shoulder there, too, and I see the kids coming down, but I know that they are all people who work there. They are trying to figure out parking where there are not a lot of parking options for those businesses, so I am wondering if this is just Phase I and there will be adjustments to that section, because it is a rather dangerous turn there. The other feedback that I got is the crosswalk. Maybe there are some sort of measures to slow people down as they approach that crosswalk or that intersection, because I have seen a lot of close calls there as well. Thank you very much, folks, for working on this. I think it is very important.

MICHAEL MOULE, Chief of Engineering: Good morning, Council Chair and Members of the Council. Michael Moule, Chief of Engineering Division, for the record. We have a project called, "Kukui Street & Olohena Road Improvements Project," or something like that, and it includes Kukui Street from Kūhiō Highway around the curve and over to the roundabout on Olohena Road.

Councilmember Holland: That is awesome.

Council Chair Rapozo: Because we are straying from the no-parking Resolution, I will recommend or suggest that project that you are talking about be a discussion we have in a Committee Meeting, so we can have a free discussion to talk about all the elements of that area, because this is specific to that no-parking zone. I would be more than happy to have that discussion, because that entire Kukui Street area and that entire Kapa'a area is congested.

Mr. Moule: All I was going to say is that project will be looking at all the issues that Councilmember Holland addressed, but I do not want to go into any details on that now. I am just letting Councilmember Holland know that it is going to be addressed.

Councilmember Holland: Thank you.

Council Chair Rapozo: As soon as you folks can put a presentation together, we will entertain it in the Public Works & Veterans Services Committee. Does that sound good?

Mr. Moule: Yes.

Councilmember Holland: Thank you.

Mr. Tanigawa: That sounds good.

Council Chair Rapozo: I would like to do it today, but...

Mr. Moule: I do not want to do it today. I am just letting Councilmember Holland know that it is something we are addressing through another project.

Council Chair Rapozo: Not too many people are interested in this no-parking zone, but if we talk about the traffic plan for Kapa'a, there are a lot more people who would be here today. That is why the Sunshine Law exists. Are there any more questions for the Admin? If not, thank you. Is there anyone in the audience wishing to testify on the no-parking spots?

Mr. Sykos: For the record, Lonnie Sykos. I am very happy to see the Administration move forward with this. I live in Wailua Houselots. The First Saturdays in Old Kapa'a Town is a nightmare. Every time I am down there, I am at that intersection. I do not want to see another traffic accident in my life. It is a very, very dangerous place. Again, as they pointed out, there is no field of view. We look very forward to the County proceeding down the street to the left and dealing with the rest of the problem. Thank you. Thank you, Council Chair, for helping to move this forward.

Mr. Hart: For the record, Bruce Hart. I echo what Mr. Sykos said and I appreciate it. No parking is an issue everywhere. Some places are worse than others, and it is something we need to tackle. I have been advocating for it for years. Thank you.

Council Chair Rapozo: Is there anyone else? If not, is there any further discussion? Roll call.

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

The motion for adoption of Resolution No. 2025-35 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	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 Rapozo: Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill No. (2972) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*Electric Bicycles*)

Council Chair Rapozo: I will be asking for a motion to defer, but can I have a motion to approve so we can...

Councilmember Cowden moved to approve Proposed Draft Bill (No. 2972), seconded by Councilmember Carvalho.

Council Chair Rapozo: Thank you. Then we can do the deferral, but I want to take public testimony if anyone wants to speak on this issue. Mr. Sykos.

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

(Councilmember Kualii was noted as not present.)

Mr. Sykos: For the record, Lonnie Sykos. I very much appreciate the effort put into this Proposed Draft Bill, the fact that it is deferred, and that other issues will be dealt with. As Council Chair probably remembers, I rode a moped for many years. You people probably do not realize that I went online, it took three (3) minutes to get to the YouTube website, then I could increase the speed of my moped by at least thirty percent (30%) by clipping a single wire. The YouTube video told me which wire and which color to cut. My moped is from Japan and is pieced together with parts, as most of these Japanese models are, so I could not find parts for it. I could not find anything for it on the internet, except the instructions on how to cut the speed regulator. I just watched in Honolulu that the Honolulu Police Department bought this device. They take the e-bike, stick it on the device, turn it on, and crank it up. As the tires spin, it does not go anywhere because it is on these rollers, but it tells the Honolulu Police Department both what the electrical output of the bike is as well as its speed over ground.

(Councilmember Kualii was noted as present.)

Mr. Sykos: Even when you make this regulation about...like gas-powered, twenty-five (25) cubic centimeters (cc) of whatever the number is for kilowatts. It is irrelevant because you can take a wire cutter and increase the speed by thirty percent (30%) just by snipping a wire. The speed limits and power limits are based on a non-altered product. When you can alter the product, you can do it legally, because there is no legal restraint otherwise. The problem with

doing that is you cannot “beef up” the brake system. If I took my roughly thirty-mile-per-hour motor scooter and did what my friends did—clip the wire, put dome pistons in, or whatever you want to do to “beef up” the horsepower—now you cannot stop the machine or not safely, because it is going faster than the brakes were designed for. One of the problems is about modified vehicles. Something that appears to be a legal bike is actually illegal because it has been modified. I will also point out the thing about having to wear a helmet. You should put a nine-hundred-ninety-nine-dollar fine if the chin strap is not fastened. Wearing a helmet is like...my father was a safety engineer, so he argued against helmets for motorcycle riders.

Council Chair Rapozo: Hold on. Is there anyone else wishing to testify?

Mr. Sykos: Does someone else...

Council Chair Rapozo: Yes, someone else wants to testify.

Mr. Hart: For the record, Bruce Hart. Again, this is an issue I have been dealing with on a personal level for a long time. When you Councilmembers really get into it...I was rereading the article I referred to. You are talking about serious injuries to not only the riders, but also to pedestrians. I will give you one (1) example.

(Councilmember Bulosan was noted as not present.)

Mr. Hart: I walked from the Līhu‘e Public Library to up the town, because I enjoy walking and doing things that way. I have had electric bicycles pass me going fast enough with a person heavy enough that I had stepped to the side and he ran into me, I could be injured for life. Seriously. They are riding up onto the sidewalks, cutting through parking lots, and cutting in and out of cars. I have videos of them riding this way. We need to do something, folks. Councilmembers, we really need to do something. It is going to be tough, because you are going to be talking to the County Attorney extensively. This is really difficult to write off for and it is difficult to enforce. We are not going to be able to tie up the Kaua‘i Police Department (KPD) chasing little gangs of kids doing this day and night, so I do not know what you need to do, but I am willing to work with any Councilmember, including Council Chair, the Public Safety & Human Services Committee Chair, or any of you. I am willing to be a gopher, run, or do whatever I can do to help. Thank you.

(Councilmember Bulosan was noted as present.)

Council Chair Rapozo: Thank you. Is there anyone else? Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. I do not remember the exact speed, but it was not much. It was thirty-five (35) or forty (40) miles per hour. If you are on a motorcycle wearing a helmet and you lay the bike down, you crash, and you are not wearing a helmet, if you are killed, it would probably be from a head injury. If you were wearing a helmet and crashed the bike at forty (40) miles per hour, you will probably not die of a head injury, but you are at a very high risk of dying from blunt force trauma. If you are going fifty (50) miles per hour, it does not matter what you are wearing. You will be seriously injured. Within this Proposed Draft Bill, my point is when these bikes go more than thirty (30) miles per hour, you are on a missile. You are not on a bicycle. If you are not wearing body armor, if you are wearing a cheap bicycle helmet instead of a high-end motorcycle helmet, you will probably be hurt really bad if you crash. The number one problem in Honolulu with kids is they fall off their bikes and hit their heads on the pavement. One of the biggest problems is a head injury that either kills you or leaves you with permanent head damage. My suggestion...you look at this, you ask yourself how many kids actually buy to bike and how many are bought by their parents. My observation to you folks is that these might be suitable penalties for a child, but they are utterly unsuitable penalties for the adult who put the child on the bike. Right? You can give your kid a gun to hunt in compliance with the law, but the adult is responsible for the outcome of the gun. My observation is to figure out how to hold the parents accountable for what the kids do, instead of trying to make KPD do that. Thank you very much. Tip of the hat, this is a very complex. Like everything the government does, it turns out to be much more complex than it seems like at the beginning. Thank you.

Council Chair Rapozo:

Thank you. Is there anyone else?

Mr. Hart: I do not usually do this. For the record, Bruce Hart. Again, I echo what Mr. Sykos said. It may seem callous, but something we need to face is that there will be a cost if we do not do something. There will be a huge cost to the County. Everything from the County's emergency responders—KPD, multiple agencies—needing to go to these scenes, and because it is a street accident, they will need to block off traffic, etcetera, and do the whole thing. That will be a cost. Then, there is the potential cost...talk to the County Attorney about liability. I give you an interesting...I was doing online research. On our streets, you often see...and I know they think they are doing good. You will see a sign "Slow, kids at play." Do they realize that they are setting themselves up for a lawsuit? They are advertising that it is okay to use the street as a playground. This is all over the internet. I would advise them to take those signs away. The street is not a playground. When I grew up as a boy, if my parents had seen me doing what I see these children doing with permission from their parents, I would have gotten my backside paddled. It was not accepted. Again, I agree with Mr. Sykos. The fine and the responsibility is the parents'. Thank you.

Council Chair Rapozo:

Thank you. Is there anyone else? Go ahead.

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

Councilmember Cowden: I have a comment. Thank you for putting this together. I have worked on this idea myself, looked at what is the standard, and the challenge is, even as existing, it is sort of like the fireworks enforcement. Almost everything that happens on the regular is outside the bounds of the existing laws, guidelines, or what is here. In my town, there are rather impressive little kids doing this. Almost all of them are under fifteen (15) years of age. They are maybe ten (10) years old to twelve (12) years old, and they are like a school of fish swimming through the reef. They do not care what side of the street they are on, they are over the sidewalks and in the parking lots, two (2) or three (3) kids are on a bike, and sometimes they have no lights, so it is important. I have talked with the principal of the school in our community and the parents. How do we really get the parents to help these kids know how dangerous it is? I want to also support...I think it was Mr. Hart who said it...I walk in town all the time and at night. A lot of times, you cannot hear them because the bikes are electric. They are right next to you and passing you. I have stopped them and made them learn to say, "Hey, to your left," or "To your right," but they come they come so fast. If you were to just turn around or not pay attention, you would be hit and would probably be very injured. The walking path in Kilauea is there because a cyclist killed a pedestrian, although it was not an electric bicycle, but now those electric bikes are always on that little walking path. Again, thank you for the effort and I commend you for trying to "thread this needle," but it is an important needle and I agree that it is parents who need to be deeply involved.

Council Chair Rapozo: Thank you. Is there anyone else?
Councilmember Holland.

Councilmember Holland: Yes. Thank you, Council Chair. I echo the gratitude. I think this is a really important thing. I was going through it in detail yesterday and I appreciate you taking a leadership role at the County level, where I feel the State has not really implemented any protective measures. I became a little concerned when the Proposed Draft Bill starts to talk about what would commonly be called, "popping a wheelie," because I was thinking about how that sort of behavior happens on a regular bike, a motorcycle, and all types of other things, so I was sort of getting caught up in that last night. Outside of that, this is really, really important. Because this technology is so new, this is a bandage to address the fact that there is not really any structure for the use of these bikes. There should really be an age limit and a license process if you want to go near a road, because what I am finding is that a lot of the people who are riding these bikes around have no concept of the rules of the road. When I was pulling out of my driveway the other day, a car stopped to let me go and the e-bike behind it overtook that car. I could have hit that person. It was really, really close. Not even last week, two (2) kids on e-bikes flew by me. They have no concept of the rules of the road and we need tools to be able to enforce those types

of things. Thank you very much. The Proposed Draft Bill is really important and it will probably save some lives. Thank you.

Council Chair Rapozo: Is there anyone else? The reason for this is that the State passed legislation, but the Governor vetoed it. We have some authority to regulate e-bikes, unlike other preemptive statutes that we cannot. For this one, we can. This Proposed Draft Bill is trying to regulate to the limit that we can. There is an age limit on this one. As far as wattage and speed goes, unless the police officers will have what I believe is called a dynamometer that does all of that...this is not intended for KPD to do active enforcement. I would guess this will probably be complaint-driven. More importantly, it is sending the message to the parents that this activity is illegal. I agree with Councilmember Holland. Some of these kids do not know the rules of the road, so that is what is happening. I had a Harley-Davidson motorcycle (Harley) and I could get out of a dangerous situation quickly, because the power of that Harley was able to get me out of a situation. In fact, Mr. Sykos fell off his moped and I stopped to make sure he was okay.

(Note: There was discussion while the rules were not suspended.)

Mr. Sykos: I was going three (3) miles per hour and I hit the gravel.

Council Chair Rapozo: Yes. You had some injuries from that, my friend.

Mr. Sykos: It knocked the air out of me.

Council Chair Rapozo: This is just an attempt to really address the situation now and not wait for the State, because we are seeing it. I have seen it in Wailua Houselots. These bikes are "zooming" all over the place and a lot of the time it is a kid who is under sixteen (16) years of age with a second kid who is riding on the same bike. That is what creates the danger. Again, I will ask for a deferral because we have some technical issues and we would love to get some input from the community. We received testimony from the Hawai'i Bicycling League who supports it, so I think we are in a good place. After some minor technical fixes, we will have it back on the agenda at that point. If there is no more discussion, I will ask for a motion to defer.

Councilmember Cowden: Until when? Until when do you want it deferred?

Council Chair Rapozo: Until the next Council Meeting.

Councilmember Cowden: What is the date?

Councilmember Kaneshiro: If you just move to defer, it will go to the next Council Meeting.

Councilmember Cowden moved to defer Proposed Draft Bill (No. 2972), seconded by Councilmember Holland, and carried by the following vote:

FOR DEFERRAL:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST DEFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: The motion carries. Next item, please.

Proposed Draft Bill No. (2973) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN DISTRICTS

Councilmember Kualii moved to refer Proposed Draft Bill (No. 2973) to the Planning Commission, seconded by Councilmember Carvalho.

Council Chair Rapozo: With that, Councilmember Cowden.

Councilmember Cowden: I have a presentation to circulate and place up there. While that is happening, I will outline the findings and purpose. “Findings and Purpose. The Council finds that amending the definition of “Family” to include a cap on the maximum number of unrelated individuals permitted to coexist in a single housekeeping unit is appropriate in order to protect the character and safety of residential neighborhoods. At the same time, the Council recognizes...”

Council Chair Rapozo: Hold on, Councilmember Cowden. Will you put this up? Okay. Do you want to wait so the people can follow? Is this part of your presentation?

Councilmember Cowden: No. While he was doing it, I was just reading it.

Council Chair Rapozo: Okay. Go ahead.

Councilmember Cowden: “At the same time, the Council recognizes the existence of many non-traditional living arrangements in the community and, therefore, finds sufficient need to allow up to ten (10) unrelated individuals to coexist within a single dwelling unit.” Now we can do this. This is the Proposed Draft Bill, so next page.

We changed the term of “dwelling unit.” We sort of changed it back somewhat. “Dwelling unit” means any building or any portion thereof which is designed or intended for occupancy by one (1) family...so we took out “or persons living together or by a person living alone” and providing complete living facilities, within the unit for sleeping, recreation, eating and sanitary facilities, including installed equipment for only one (1) kitchen. Any building or portion thereof that contains more than one (1) kitchen shall constitute as many dwelling units as there are kitchens...that is like an additional dwelling unit (ADU), an additional residential unit (ARU), or a guesthouse...provided that an additional rental unit is not a dwelling unit. This change simply means that one (1) family, as defined below, shall occupy a dwelling unit. This is really rather extensive. “Family” means an individual or group of two (2) or more persons related by blood, adoption, or marriage, and living together in a single housekeeping unit as a dwelling unit. Family may also include a group of not more than ten (10) individuals unrelated by blood, adoption, or marriage. That is because we know these houses are used in a lot of different ways and people crowd together.

If we look at the history, the definition of “family” prior to the amendment we made in 2022...so it was very recent that this change happened. It said, “Family’ means an individual or group of two (2) or more persons related by blood, adoption or marriage living together in a single housekeeping unit as a dwelling. For purposes of this Chapter, family shall also include a group of not more than five (5) individuals unrelated by blood, adoption or marriage.” It had been people who are related plus not more than five (5) people.

In what we had, we took out that whole piece about unrelated members of the family or related...how many. The current definition says, “Family’ means an individual or group of two (2) or more persons living together in a single residential unit.” Two (2) or more people is...really, there are no guardrails on it.

The result of that...I picked this image...I realize this is before it was completely finished, so you do not see the air conditioners that consume those windows. This is an example of what is now permitted as a 36-bedroom, single-family residence within a residential area. Potential for buildings in residential areas that do not fit the form and character of the existing neighborhood...this could go in any neighborhood. This could cause the loss of sense of community when the definition of “family” erased the implication of a relationship between members coexisting in a dwelling unit. Excessively large developments with far too many unrelated individuals residing within them, under the guise of a single-family residence...I get that there is a desire for this. That is why this building was made. I have something coming up in the future that would address that.

Single-family dwellings are generally permitted in the following districts...so what we just saw in that image would be permitted as an over-the-counter application for Residential, from R-1 up to R-6, R-10, R-20...for those who do not know what that

means, R-20 is twenty (20) residential units per acre. R-6 is six (6) residential units per acre...Resort, Commercial, whether it is neighborhood or general, Agricultural, or Open. That house was in an Open-zoned place. This could be put anywhere. Single-family dwellings require a Use Permit in the following districts: Industrial and University. If a parcel is not in a Constraint District or a Special Treatment District and meets size and density requirements, most properties would qualify for a Class I Permit, which means you go in, file, and you get it.

This Proposed Draft Bill will align the definition of "dwelling unit" so that only one (1) family, whether that consists of an individual or a group, as defined, shall occupy a residence. It amends the definition of "family" by restoring the language to what was standard prior to 2022, along with a cap of ten (10) unrelated individuals, so I doubled it. I know that many houses are filled with employees of some place. There are number of groups who choose to live together. Many people nowadays do not choose to be married with a state. They may be a couple. You could have five (5) couples. You could have a lot of different applications of that. This is basically putting some guardrails back onto the properties. I was asked, "What about when there are twelve (12) people in the house." That would mean twelve (12) unrelated individuals, because you could have twelve (12) people where maybe some of them are married or a child of someone, but if you had twelve (12), it is complaint-driven, so someone would need to complain. By the way, we receive complaints on these houses. I have driven by a handful of them. There may be seven (7), nine (9), or ten (10) cars out. That is standard nowadays, because we have such a housing crisis. By putting ten (10) unrelated individuals is making an effort to not criminalize the desperation that people and businesses are in. I realize how hard that is on parking in a neighborhood.

Again, this is the allowable districts where it is permitted. This is right from our table. Up to ten (10) unrelated adults along with related adults...everywhere there is a "P," it is an over-the-counter piece. Everywhere there is a "U," you need to get a Use Permit. This would eliminate the opportunity for an excessive building like that which is clearly more like a boarding house or an employee dormitory building. We can find a way to make that happen. I plan to look at that. In my view, it should always require a permit and a public hearing. That is my Proposed Draft Bill in a nutshell.

Council Chair Rapozo: Can someone from the Planning Department come up? I have a question. It sounds like the objective is to prevent these large...

Councilmember Cowden: Houses without...these are basically employee dormitories that we saw.

Council Chair Rapozo: There is one (1) in Princeville. I am a little concerned, because I personally know of families where there are more than ten (10) people living in a house, just because they cannot find housing.

Councilmember Cowden: This is more than ten (10) unrelated adults in addition to the related.

Council Chair Rapozo: In addition to the related?

Councilmember Cowden: Yes, that is how it is intended to be and that is the discussion.

Council Chair Rapozo: Ka'āina, the question regarding is this 36-bedroom single-family residence. Is that a 36-bedroom single-family residence?

KA'ĀINA S. HULL, Planning Director: That is correct.

Councilmember Cowden: There are two (2) parking stalls.

Council Chair Rapozo: Hold on. They are not connected.

Mr. Hull: They are elevated in a manner that they all need to egress and function together.

Council Chair Rapozo: What do you mean?

Mr. Hull: If there is a proposal for separate units on the ground, then yes, it would be denied, but what the Planning Department has been doing for several years now is...pod dwellings became an issue several years ago when there were families requesting to get pod-dwelling developments that the Department was interpreting as being on the ground. You cannot have those structures, because they function separately and apart. From an interpretation standpoint, the architects proposed that if they elevate the structure so they all interact with the kitchen and there is only one (1) kitchen serving them, then that functions as a single-dwelling unit. That is how that was permitted.

Council Chair Rapozo: Maybe we need to fix that. That is probably what we need to fix, not put a cap. I am concerned about putting a cap. I look at this, and I have not been down there since they completed it, so I have not seen the air-conditioning units and all of that, but I did go there when it looked like this. To me, as a layperson, that is not a single-family residence. That is multi-family. Maybe we need to fix that.

Mr. Hull: That is one (1) approach.

Council Chair Rapozo: Because the problem is not about the capacity. The problem is that we do not want communities to start looking like this.

Councilmember Cowden: I have follow-up and I had dialogue with the residents of the building recently. When I looked at it with the people who put it in there, I only saw one (1) kitchen. I was told there was one (1) kitchen. The residents say there are actually six (6) kitchens in there. I noticed that the current definition removed the number of kitchens. Each of these is an individual unrelated to the rest.

Mr. Hull: That is correct.

Councilmember Cowden: To me, this is an extreme stretch of a single-family residence. Is it correct that this could be put in Wailua Houselots, as a random example? Someone buys a lot, they could put this in at Wailua Houselots. They could take this design and put it in Wailua Houselots. What would change that?

Mr. Hull: I do not think there is a lot in Wailua Houselots that could accommodate from a setback and lot coverage standpoint. Setback and lot coverage of residential lots would generally prevent large, massive structures from being proposed, but in essence, if a lot is large enough to accommodate that size, then in theory, it could go into a residential lot.

Councilmember Cowden: My house and my neighbor's house are large enough. One-third (1/3) of an acre and half (1/2) an acre is large enough.

Mr. Hull: I am not familiar with your lot.

Councilmember Cowden: It is also interesting when you look at this juxtaposed to our next one on WUI. This is absolutely a burnable structure right here.

Mr. Hull: I do not think the Proposed Draft Bill on the...

Councilmember Cowden: Mine is not about that.

Mr. Hull: I am sorry. I am trying to follow you.

Councilmember Cowden: I am trying to look at what the County is allowing. This would be allowable and it would hurt the form and character of a neighborhood. If someone had one (1) acre, could they put one hundred (100)? Could they put two hundred (200) if they had two (2) acres?

Mr. Hull: Is that the question?

Councilmember Cowden: Yes, because a single-family residence could have two (200) hundred bedrooms and even two hundred (200) kitchens.

Mr. Hull: Clearly, there is a form and character issue with what was approved in Princeville and there are no regulations from a form and

character standpoint with which the Department could deny that application. The use of that structure in Princeville is definitely by unrelated individuals, but I want to be clear that the unrelated individual measure would prevent the Princeville from happening because those are employees there. The ten (10) unrelated individuals measure will not necessarily prevent the proposal of a large structure from happening. You can still propose a very large structure and multiple structures on a platform. All that the mechanism in this Proposed Draft Bill prevents is from unrelated people living in those structures. Those structures can still be proposed.

Councilmember Cowden: Okay.

Mr. Hull: If you are talking about a form and character standpoint, there are ways to get at that whether you are looking at...

Council Chair Rapozo: Ka'āina, that is the thing. If this Proposed Draft Bill passed, they would not be able to fill up those thirty-six (36) bedrooms?

Mr. Hull: That is correct.

Council Chair Rapozo: So, they would not build it?

Mr. Hull: That is correct.

Council Chair Rapozo: But it would not prevent...I guess I am struggling with the fact that merely putting them on a platform allows them to get that single-family residence designation. For me, that is troubling. Councilmember Kaneshiro.

Councilmember Kaneshiro: I have a clarifying question. I heard this particular project has six (6) kitchens.

Councilmember Cowden: I just said that, yes. I just heard that.

Mr. Hull: I need to double-check. While I know the thrust of this Proposed Draft Bill is to address what happened in Princeville, the main analysis of the Proposed Draft Bill is of how would this affect the built environment as a whole. I will be honest. I do not know the facts intimately off the top of my head for the Princeville kitchen situation.

Council Chair Rapozo: We will send over a formal...

Councilmember Kaneshiro: My question is, if they have six (6) kitchens, then that means they have the density for six (6) units, right, because units are based on kitchens?

Mr. Hull: Yes.

Councilmember Kaneshiro: If we follow this ten (10) person rule, then essentially, they could have sixty (60) individuals on the property if there are six (6) kitchens.

Council Chair Rapozo: But if they have six (6) kitchens, how will they qualify for a single-family residence?

Mr. Hull: It would be a multi-family situation.

Council Chair Rapozo: Right. It is no longer a single-family residence. Take Princeville out of it. Generally speaking, because earlier you said, "As long as they have a shared area with a kitchen," but if you are saying there are six (6) kitchens in a project, then it is no longer a single-family residence.

Mr. Hull: I am sorry. I am not prepared to talk about the Princeville enforcement case, because there is an enforcement case against that Princeville building by our zoning enforcement folks. There is a case and I am familiar with it, but I am not prepared to talk in-depth on it. I can provide a briefing if you want.

Council Chair Rapozo: I am taking that specific project out. If Mel Rapozo came in, wanted to get a similar project with six (6) or eight (8) of these containers converted to households, but I have one (1) kitchen, I can do it as a single-family residence?

Mr. Hull: Yes.

Council Chair Rapozo: But what if I had six (6) kitchens?

Mr. Hull: It would be a multi-family residence.

Council Chair Rapozo: That is correct, so how can a project such as that one...and we can send over a formal request. If there are multiple kitchens, it should not be classified as a single-family residence.

Mr. Hull: No, and I may have spoken incorrectly. It may be a multi-family residence.

Council Chair Rapozo: I do not want to get into what is going on out there. I am trying to figure out what the objective is and what the best way to get there is. If the objective is to not have these projects, then let us fix that, not try to cap it. If you cap it, you are not ending it. You could do a smaller scale project in a neighborhood.

Mr. Hull: That is correct.

Council Chair Rapozo: I do not like this. I do not like it in the neighborhood. Councilmember Kualii.

Councilmember Kualii: The glaring thing when you look at this is it says, "This is an example of a permitted 36-bedroom single-family residence within a residential area," so in any logical definition of single-family residence, you are saying one (1) kitchen? Are you saying any amount of bedrooms? Having thirty-six (36) bedrooms seems ridiculous.

Mr. Hull: Right now, in the County Code, there are no restrictions on bedrooms. It could be drafted into the Code.

Councilmember Kualii: When you say, "Right now," did it ever? Was there a limit and then it was taken away? Then at what point are you talking about...on O'ahu, there are monster homes, right, and we have that monstrosity in Kapa'a across the old Otsuka's Furniture & Appliances. I do not know if it was ever completed. It looks uncompleted, but it is a monstrosity, so it looks like a monster home. That probably has many, many bedrooms and whether those are rented out separately and long-term or short-term, who knows, but should the County not have a basic rule right in there to clarify that once and for all? No one would think that there should be thirty-six (36) bedrooms in a single-family household anywhere on this planet. I do not think so. Ninety-nine (99) out of one hundred (100) people.

Mr. Hull: When you look at some of the town cores and the work that has been done with form-based code, that specifically looks at scaling of neighborhoods and says there are maximum buildable footprints. Your buildings can only be so big. In the form-based code situations, you will never get this scenario because of the fact that it looks at the form and character of the building in and of itself. In the Euclidian zoning districts, there is no form-based code and absent of a definition that limits the specific amount of bedroom counts, there is nothing a planning technician (tech) can do. I will look at it and think thirty-six (36) rooms is excessive, but there is no legal authority for that planning tech to say, "It does not look like a single-family dwelling, therefore I will deny it."

Councilmember Kualii: You said, "Absent of a definition"?

Mr. Hull: Yes.

Councilmember Kualii: We just need a bill that has the definition that has a number of bedrooms, granted they could be something more than that? It could be more than ten (10) bedrooms or whatever, but that would be a different category. Maybe we want to start allowing monster homes or whatever.

Mr. Hull: The Department of Health deals with this issue when talking about septic systems and the fact that five (5) bedrooms is the maximum with a septic system. That is clear in their rules. If the Council or the County as a whole wanted to follow that program, the applicants response then is, "I am not going to call it a bedroom on the plans." What the Department of Health runs into is there are rooms that are not being called "bedrooms," therefore they have been put in a situation or scenario where they will say, "The maximum septic system allowed is for any bedroom room or bedroom-like room," so all the offices, storages, and living rooms are potentially classified as bedrooms and restricts the size. That is an approach we can definitely take as a County, but it has its own issues in implementation.

Councilmember Kualii: Thank you. Thank you, Council Chair.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: On page 4, it says, "'Family' means an individual or a group of two (2) or more people living together in a single residential unit." That is really open-ended. You could have one hundred (100). I know a family who had fifteen (15) kids or more. They tend to crowd in well, but if someone has a lot of capacity and they have fifteen (15) kids, there is nothing in this change that brings it back towards the Ordinance of stopping from having a 15-bedroom house or a 16-bedroom house, correct?

Mr. Hull: That is correct.

Councilmember Cowden: If we had fifteen (15) kids, if they were married, if they had a couple of kids of their own, and if they needed a home that was big enough for thirty-five (35) people, there is nothing in my changed Proposed Draft Bill that would stop that. Is that correct?

Mr. Hull: If you had...

Councilmember Cowden: If you had thirty-five (35) related people.

Mr. Hull: If you have fifteen (15) kids, they all live in the same house, and those fifteen (15) kids start families of their own to live in that same house, I believe that under the Proposed Draft Bill, the Planning Department would have to enforce on that as a violation, because the spouses of the children are not related to each other. If they are not married, but they are partners, the Planning Department would need to enforce against that situation.

Councilmember Cowden: Let us just say there is a family of thirty-five (35) people who are related by blood, adoption, or marriage. Could they live in a single-family house?

Mr. Hull:

That is correct.

Councilmember Cowden: Yes, and they could have a super large kitchen. Any of these places like the pictured house could have even a large commercial kitchen that has a buffet twice a day, right? That would work. You could have one (1) kitchen for a very large house.

Mr. Hull:

That is correct.

Councilmember Cowden: You could. Large families...if you had thirty-five (35) people in a family, they could all live in a pod house and under this definition, maybe ten (10) of them have not married their partner, yet, or it is a friend of a kid or something. This is really expansive.

Mr. Hull: I am not here to say what the Department's official position is on this Proposed Draft Bill. We are still digesting it. There are pros. It prevents the potential of monster-type homes, because of the use, as I think Council Chair pointed out. Businesses would not set up employee dormitories in a residential neighborhood. It also has its cons. There are situations of roommates living with each other because of the housing crisis. You have situations like domestic victims group facilities that are classified as single-family dwellings with more people than this that would make them in violation and our enforcement staff would need to shut those operations down.

Councilmember Cowden: Did they shut those people down when they have been existing down in that same condition for twenty-five (25) years with the even more restrictive...they did not do it.

Mr. Hull: We never received a complaint. Our Department is complaint-driven. Three (3) or four (4) years ago, when we looked at the potential of getting a complaint on these facilities, that would be an issue. I am just saying there are pros and cons. From an enforcement and implementation side, how much we could actually enforce on the unrelated depends on how much the landowner pushes back on us, because the burden is upon the Planning Department to demonstrate that, in fact, they are unrelated. Getting warrants to get deoxyribonucleic acid (DNA) swabs of individuals...

Councilmember Cowden:

Right.

Council Chair Rapozo: Again, I will go back to what I said. If the objective is to prevent these types of dwellings or structures to be in residential areas, then that is what we need to address, because you will never get a warrant for a planning violation. I can assure you. Councilmember Carvalho.

Councilmember Carvalho: Just a quick clarifying...the elevated and the concrete base.

Mr. Hull: It just needs to be elevated to at least four (4) feet in height, I think.

Councilmember Carvalho: Just for clarification, the difference again in use...

Mr. Hull: Elevating it and having all the tenants funnel through and function with one (1) single kitchen is how the pod dwelling review has been done for several years now.

Councilmember Carvalho: Is that the difference between those?

Mr. Hull: Yes.

Councilmember Cowden: I have one more.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: In this one, let us say there is a kitchen in each of those sets of six (6). If there are six (6) kitchens here, then this could be said to be a multi-family dwelling?

Mr. Hull: That is correct.

Councilmember Cowden: Does a multi-family dwelling require a public hearing?

Mr. Hull: No.

Councilmember Cowden: A multi-family, six (6) house piece would not require that. Would it require more than two (2) parking spaces?

Mr. Hull: Yes.

Councilmember Cowden: Does this have more than two (2) parking spaces?

Mr. Hull: I do not know.

Council Chair Rapozo: Again, I do not want this to become an investigation into Princeville.

Councilmember Cowden: Okay.

Council Chair Rapozo: This is not about Princeville. This Proposed Draft Bill impacts homes islandwide and Countywide, not just Princeville, so let us be careful.

Councilmember Cowden: I am just showing this as an example.

Council Chair Rapozo: Right. The example is fine, because you made your point and that is what got me engaged, but I do not this to be an interrogation or investigation of that specific development, because the Proposed Draft Bill is for everyone. We can definitely have a briefing regarding Princeville at a separate time. I am not sure if there is anything active and I am not asking you to respond. If there is some active enforcement or investigation, then obviously, we will do it in Executive Session, but this Proposed Draft Bill is not about Princeville. This Proposed Draft Bill is for the island, so we need to be very careful.

Councilmember Cowden: Thank you. I am just saying my understanding of how our definitions, as they are now, defined on page 4, I do not see any reason why this could not happen on any piece of land with the right size without any sort of public hearing to talk about left-hand turn lanes, parking, or community reaction. There is nothing that limits that. Originally, I had two (2) pieces in the same Proposed Draft Bill, and it seemed easier to separate them.

Council Chair Rapozo: I am in agreement with you. I am in total agreement with you. It definitely needs to be addressed. Are there any more questions for the Planning Department? If not, thank you. Is there anyone in the audience wishing to testify? Mr. Sykos. Again, this will go to the Planning Commission, it will be vetted there, and it will come back to us when they are done.

Mr. Sykos: For the record, Lonnie Sykos. We need to do some work on the County's permitting process, so I have picked up people...and I realize this is not about the Princeville situation, but it is my point. I have picked up people who were walking down the road, carrying groceries. They do not have a car, they live in that 30-unit house...

Councilmember Cowden: Six (6).

Mr. Sykos: 36-unit house. They tell me that from the time it opened, day 1, every three (3) units has its own kitchen. They also told me that from day 1, the toilets did not work in many of the units and the water that came out of the pipes was not drinkable. In some of the units, the toilets worked. Some of the units have good, potable water. They also told me that the County chose to waive all the final inspections, thus my point in this is the County's whole process of permitting this does not work for me, the public, sitting out here. One of the things that this

brings up is that what that appears to me to be is an apartment complex. Perhaps the County needs to devote some time looking at how to make it easier to build an apartment complex, because it is perfectly easy to build a 100-unit house. It is perfectly easy. Building a 100-unit apartment building is a lot more complex, so the County needs to look at that. You also run into federal housing issues, but one of the things we desperately need is worker dormitories, which have different types of names. Basically, a lot of that was outlawed by the Federal government because they were fire traps. There is a single stairway going up in the middle and there are two (2) long wings. If it lights on fire, everyone is killed, so the restrictions on building dormitories are very real, but you can build dormitory housing. For our jobs where the people constantly rotate, whether they are agricultural (Ag) workers or part of the visitor industry, the County needs to facilitate businesses being able to create worker dormitories. That is basically what that 36-unit is. A workers' dormitory would be much cheaper than an apartment building. Thank you.

Council Chair Rapozo:

Thank you. Is there anyone else? Mr. Hart.

Mr. Hart:

For the record, Bruce Hart. I realize that we have a long way to go, but I want to take this opportunity to thank Councilmember Cowden. I think it takes a lot of courage to tackle some of these issues. I am often disappointed because councilmembers do not tackle some of these types of issues, so I am encouraged by Council Chair being in agreement with needing to address this. There is a lot of work to do and I hope all the Councilmembers will support Councilmember Cowden in pursuing this, that you will work through it, and you will come up with some type of workable solution, because for this type of legislation, you need to look at everything. As Council Chair said, it will affect the entire island, every single neighborhood. In this world, there are people who will take advantage. I think that is what Councilmember Cowden is referring to. There are people who will take advantage. I do not want to see one in the Wailua Houselots, that is where I live. Are we going to allow Kalapaki Villages...which they have a purpose and they have a place in the right zoned area, but will I wake up one day and there will be one in my backyard? We have a housing problem. I have ideas, but there are other ways to address this than what we see in Princeville, so we need to stop it. We have to figure out other ways to accommodate housing. Thank you.

Council Chair Rapozo:
there any further discussion? Councilmember Holland.

Thank you. Is there anyone else? If not, is

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

Councilmember Holland:

Thank you very much for all the work on this. The examples that we have seen are shocking and something should be done. I have been doing a lot of work on the sober home issue that we have and the fact that we are struggling to have...for example, the Women In Need (WIN) Kaua'i house just

closed, and things like that. I would only say that needs to be looked into where and how. Maybe specific information, exemptions, or allowances for houses in situations of sober rehabilitation and those types of things. I am just flagging that. I appreciate the effort of everyone trying to look at ways to prevent these types of things.

Council Chair Rapozo: Is there anyone else? Go ahead, Councilmember Cowden.

Councilmember Cowden: Thank you for bringing that up. I definitely have looked at re-entry and sober homes. There are State regulations that do not allow them everywhere, so they go through a Use Permit process. Something like this, even if it was larger, it would still need to go through a Use Permit process. It could not simply go through as a single-family residence. I share all those ideas and challenges, and am looking at all of that. I have further bills that seem more complicated and take a lot more time, so it was recommended to separate them. Both reestablishing single-family residences and very soon I will have some things dealing with the larger houses, because I recognize that they are needed. Even when there are plantation camps or whatever else comes up, there is a need for workforce housing that are not individual, permanent units. Thank you and I hope to get your support to let it go on to the Planning Commission, and you will very soon see other ideas.

Council Chair Rapozo: Thank you. Is there anyone else? I definitely hope we can get this to the Planning Commission. Thank you, Councilmember Cowden, for bringing this up. Really, this Proposed Draft Bill is redefining “family” as it relates to housing. That is what it does. That is the extent in an attempt to limit the size of a structure. Again, I think it will surely do that, but we all know a family who takes care of a lot of non-related people. Right now, with the crisis that we are in with housing, you have homeless parents living in their cars and have kids who are staying with friends, not necessarily family, and they would be impacted, so I think there are some unintended consequences with this. Rather, as Councilmember Kuali'i said, let us go after what we really want to go after. We do not want monster homes on Kaua'i. We do not want them in residential areas. I definitely do not want one of those things in my neighborhood, but how do we fix the permitting process? I am not against dormitory housing for employees. I think it is a great idea, so let us create that opportunity for employers to build dormitories for their employees, but let us call it what it is. Let us not build a 36-unit container home farm and say it is a single-family residence, because that is not what it is. Ka'āina, we will get together and figure out how we can move forward on that track as well, because it is important that we address the issue. We can learn a lot from what was done with the monster home issue on O'ahu and how they accomplished what they did. Go ahead.

Councilmember Cowden: I just want to say that we only had three (3) years that the ruling is the way that it is now...the way the statute is now with no guardrails on what a single-family home is. It has only been three (3) years. This doubles what was standard for a very long time. For a very long time, it was five (5)

unrelated adults. This increases it to ten (10). Again, that is complaint-driven. Someone would need to complain. This brings it back to what was, but doubles what was, and what was still gets a lot of complaints. I see that someone from the Kaua'i Fire Department is here. In neighborhoods all over the place where they are densely packed, a firetruck probably could not get down those roads with how cars are parked on either side of the road. This makes it even more strong than it was before, in terms of that particular burden. It puts a guardrail on it.

Council Chair Rapozo: Thank you. Is there anything else? Go ahead, Councilmember Bulosan.

Councilmember Bulosan: I would like to thank the introducer for this Proposed Draft Bill. It has definitely caused me to think philosophically about what family is, what form and character are, and what our community actually wants and wants to experience. If it passes today, I am hoping that discussion is really delved into at the Planning Commission, because it is a much bigger and broader...it is a big change, and the discussion needs to include the community, so hopefully, the community can get involved in this discussion.

Council Chair Rapozo: Thank you. Can we get a roll call, please?

The motion to refer Proposed Draft Bill (No. 2973) to the Planning Commission was then put, and carried by the following vote:

FOR REFERRAL:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST REFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: The motion carries. I apologize. We need to take a caption break. I know you have been here all day. I appreciate everyone's patience. We will take a ten-minute caption break.

There being no objections, the Council recessed at 10:31 a.m., for a caption break.

The meeting reconvened at 10:44 a.m., and proceeded as follows:

BILLS FOR SECOND READING:

Bill No. 2961, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED,

RELATING TO THE PLANTATION CAMP DISTRICT WILDFIRE AND
WILDLAND URBAN INTERFACE (WUI) (*County of Kaua'i Planning Department,*
Applicant) (ZA-2025-11)

Councilmember Kualifi moved to approve Bill No. 2961, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? There was a lot of discussion at the last meeting. Is there anyone here who wants to testify? Seeing none, is there any further discussion?

Councilmember Cowden: Did they miss it?

Council Chair Rapozo: Were you folks interested in testifying on Bill No. 2961?

Councilmember Cowden: It is the Wildland Urban Interface.

Council Chair Rapozo: Okay.

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

Mr. Sykos: For the record, Lonnie Sykos. After last week and having read all of this, one of the things I am confused about is...the Wildland Urban Interface is for two (2) projects, if I understand correctly, but we have a countywide problem. Is it the intention of the Council that with the rules being created for these two (2) subdivisions, plantation camp housing, or whatever you want to call it, is this the model for future development? If it is not the model for future development, why is it the model for this development. I realize the County needs to deal with this issue, but my question is if this is going to be the model for the future for everything. I live in the Wailua Houselots, so it would theoretically go through all the permitting and move onto Bette Midler's land, although it is a nature reserve or whatever...I am just using that as an example. If the Wailua Houselots, Kōloa, or anywhere on the island expanded, would the new expansion need to meet these wildfire requirements? Is this a blueprint for the future development or is this a one-off activity? Thank you.

Council Chair Rapozo: Mr. Hart.

Mr. Hart: For the record, Bruce Hart. Mr. Sykos' question was one of my questions, too. I am not understanding that if it expands beyond the original footprint, are the same rules going to apply. I also have a comment. The gentleman who was here representing one of these projects said...excuse me, I do not recall his name right now, but I know you know who I

mean...he had a suggestion. If I understood him correctly, he actually said that they would like to provide a project that was one hundred percent (100%) affordable housing. I do not know if you remember that. I have a limited understanding of this type of legislation, but that really appealed to me. Why not give it to him? I would hope it would encourage other private property owners who wanted to create a one-hundred-percent affordable housing. I would be inclined to say, "Go ahead." We have a housing crisis. If they want to do that and if they want to manage that, then give them what they need in order to be able to do that and the government steps aside. I hope he is listening. There may be an issue I do not understand about that, but I like it. Thank you.

Council Chair Rapozo: Is there anyone else? Sure.

HOWARD GREENE: *Aloha.* I am Howard Greene and I represent Gay & Robinson, Inc. Yes, we are listening and we are very supportive of this Bill. We did a lot of work with the Planning Department and you folks, and we are very much in support of it.

ELTON S. USHIO, Emergency Management Administrator: My apologies.

Council Chair Rapozo: No, I am just worried. Is something coming? When it comes from the Emergency Management Administrator, you need to be concerned. By the way, that is one (1) bowl of soup for the County Council that you can drop off at any time. I am sorry about that.

Mr. Greene: It is no problem. I believe Brue Baukol Capital Partners (BBCP) is also supportive of it. Their representative...is still here. That is all we have to say.

Council Chair Rapozo: Thank you very much. Is there anyone else? Seeing none, is there any further discussion. Councilmember Cowden.

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

Councilmember Cowden: Can I have Ka'aina up here for just a moment?

Council Chair Rapozo: Sure.

Councilmember Cowden: This is very simple, so I hate to bring you all up. I want to make it clear, relative to what we just heard. This is for four (4) plantation camps, not two (2)—Kaumakani, Ka'awanui, Pākalā, and Niumila. Based on what the testifier said, and I think I asked this before, is this intended to be...right now, it is just for the plantation camp overlay, correct?

There being no objections, the rules were suspended.

Mr. Hull: Ka'āina Hull, on behalf of the Planning Department, joined by Fire Chief Gibson and the Kaua'i Emergency Management Agency (KEMA) Administrator Elton Ushio. Correct, the Bill before you today is specific to the plantation camps.

Councilmember Cowden: It is specific to that because it is typically right in the middle of wildlands and in an area where there was a big fire as well?

Mr. Hull: That is correct. We were in the process of the plantation camp upzoning proposal that stems from the West Kaua'i Community Plan and in the middle of that, the Kaumakani fire happened and a lot of the fire specialist folks were saying that the built environment folks need to be at the table on this. That is where the discussions progressed to say that if we are looking at upzoning an area that almost just burned, we need to fold in measures that can mitigate against wildfire impacts for any new development there.

Councilmember Cowden: While I understand this very quality work and that we are first in the nation coming up with this or almost first in the nation?

Mr. Hull: No. A lot of these are tried and tested standards in other wildfire areas in the country. There is no county in Hawai'i that has a WUI. Chief, correct me if I am wrong. There are other WUIs out there.

MICHAEL GIBSON, Fire Chief: Mike Gibson, Fire Chief, for the record. Austin Fire Department initiated some WUI codes several years ago and I believe they were one of the first in the nation.

Councilmember Cowden: In terms of this being a template for what might be expected of new builds on the island, my guess is this might influence some of it or it could be recommended. At least at this point, is there any intention of creating these requirements on houses in a town?

Mr. Hull: The focus is the camps. Having said that, many of the policies within it were extracted from the Insurance Institute for Business & Home Safety (IBHS), which is one of the primary organizations that works with wildfires. Much of these proposals were taken from their baseline standards.

Councilmember Cowden: Can you say the name one more time?

Mr. Hull: IBHS.

Councilmember Cowden: Can you say what it is?

Mr. Hull: It is the Institute for Insurance for Business & Home Safety. Is that correct? Did I get that right?

Mr. Gibson: It fits.

Mr. Hull: I believe that is what the acronym stands for. They have different proposals and policies for homeowners to consider in order to maintain insurance. Much of the home hardening requirements were gleaned from IBHS's baseline studies. The concrete band around the house was not. That is sort of more new on that front, but is definitely worked through much of the national wildfire folks we worked with. I think what Chief Gibson was saying that you do not see in a lot of codes is the annual programming standpoint. The fact that the tenants will need to attend workshops once a year and the cleanup are relatively new. If we were to go out for any type of WUI code for other parts of the island or the entire island, it would really necessitate community outreach and engaging the communities on what might be best methods for those particular areas, given their geographical location, as well as what the community input is. Clearly, there is a cost associated with this and when dealing with a housing crisis and cost of construction, those costs are not lost on any of us. Being able to work with these landowners to get the improvements and a cost-benefit analysis done was pivotal. That is a long approach to say it would depend on community outreach and engaging with the community.

Councilmember Cowden: I have a question for Elton or Director Ushio of KEMA. Boy, what a past couple few days across the country for disasters. Do you see that the WUI piece will probably be helpful for a number of the different things? I do not think we will have dust storms or tornadoes over here, but it seems like a lot of this has multiple positives.

Mr. Ushio: Elton Ushio, Emergency Management Administrator. Yes, you can take things and apply it to other potential threats, but if we are specifically talking about wildfires, one (1) theme that I see and really like is...you have heard KEMA in our outreach. We say that preparedness and resiliency is everyone's *kuleana* or that it starts at the individual households' level. This does just that. It shares responsibility and makes us much better prepared.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Are there any other questions? Ka'āina, this was clearly designed for the plantation camps, but that does not prevent the Planning Department or the Planning Director from implementing some of these safety measures in the permitting requirements at the Planning Department if a subdivision request comes in and there was some risk of wildfire, right?

Mr. Hull: Absolutely.

Council Chair Rapozo: Thank you. Is there anyone else? Seeing none, thank you very much.

Mr. Hull: Thank you.

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

Council Chair Rapozo: Is there any further discussion?
Councilmember Cowden.

Councilmember Cowden: I want to thank everyone who put all this work into the Bill. I really want to thank the large landowners who are willing to do this and consider it. I had Mr. Hull restate IBHS because I watched a new round of disasters just over the past few days. I am hoping...it is hard to get an insurance person willing to do a briefing, but the amount of impacts on our insurance...I worry that to some level, we will need to start implementing some of these. I worry, because there are other interests like food security and neighborhood food production, but when I look at how much damage is happening across the country that share the same insurance companies, I believe insurance will be one of those things that, even if the Planning Department does not put it in there, the ability to get insurance will be an issue. I have been bringing that up for a number of years in even our fire flow protection and the challenges in our more remote areas in the back of valleys and things like that. I am fully supportive of this, particularly because we have the active input from the impacted property owners.

Council Chair Rapozo: Is there anyone else?

Councilmember Holland: Is this discussion?

Councilmember Cowden: Yes, we are in discussion.

Councilmember Holland: Okay. I would like to speak.

Council Chair Rapozo: Go ahead.

Councilmember Holland: Thank you. I also want to echo that this is really important and am grateful for all the work that has gone into this. This is really part of an emergency response to a situation we found ourselves in due to one hundred fifty (150) years of changes to our landscape. Really, in an ideal situation, we would restore our ecosystems, wetlands, and coastal forest, and we would have managed farmlands that are managed, but post-plantation, we have seen the establishment of all these invasives and we need to do something. This is something. Even given the radically changing climate and atmosphere, and all the impacts that we are dealing

with, these types of fires are going to be more and more prevalent, so it is a great step forward to save lives. I just want to echo that and the gratitude. Thank you.

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

Councilmember Kaneshiro: I am voting in favor of it. I really like the type of defensible space, how well-thought-out the Bill is, and what types of construction requirements will be added, all while minding what it will cost the homeowner to do. It is very forward-thinking on our part to be doing this, especially in a plantation camp type of area where we just recently saw fires nearby. With those areas, you can create those defensible spaces, even spaces within one hundred (100) feet of the homes, so it makes sense for this type of project. I will be voting in favor of it.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: I want to echo that I will also be voting in favor. Again, I applaud the Administration and the collaboration with all the organizations for being creative on this solution. It triggered me to walk around a couple of premises to make sure we are doing all the things necessary to make sure our spaces are safe and I hope it inspires others to do the same.

Council Chair Rapozo: Thank you. Is there anyone else?
Councilmember Carvalho.

Councilmember Carvalho: I am in total support of what we have on the table. It is not if it is going to happen, it is when, so the layout and everything we have before us is ready to go. I wanted to just add in my *mana'o* and understand that it is important. I totally support it. That is all.

Council Chair Rapozo: Is there anyone else? If not, thank you to the Planning Department. More importantly, thank you to the two (2) landowners, because as Ka'āina said, your cooperation and participation was pivotal. If not for that, we would not be here today, so thank you to both of you who are here. There are still some other bills hanging for which we hope to use that same cooperation and collaboration. Yes, the ultimate goal here is public safety, but the byproduct of this is housing. It is housing and we are all striving for housing, so I am optimistic that we will get everything done and that we will get those things up and running. Thank you to all who participated. With that, roll call.

The motion to approve Bill No. 2961, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	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.

Council Chair Rapozo: The motion carries. Next item.

Bill No. 2963 – A BILL FOR AN ORDINANCE AMENDING “KAUA‘I KĀKOU – KAUA‘I COUNTY GENERAL PLAN” (2018) RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA‘I (*County of Kaua‘i Planning Department, Applicant*) (GPA-2025-2) (*Numila – General Plan Amendment*)

Councilmember Kualifi moved to receive Bill No. 2963 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

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

Mr. Sykos: For the record, Lonnie Sykos. Again, I read all of this several times and sat through the last meeting. What I do not understand is that we are amending the General Plan, which I get, and we are going to formalize the permanency of the plantation camp and that in some instances, move its location. I will fast-forward through this. In others, it appears that we are increasing the amount of land in a new location that housing can be built on.

Council Chair Rapozo: Mr. Sykos. The motion is to receive the Bill for the record, so we are killing it. This will go away.

Mr. Sykos: Okay.

Council Chair Rapozo: I do not mean to interrupt, but...

Mr. Sykos: Thank you for interrupting. My comments are meaningless because of what you folks are going to do. Thank you very much.

Council Chair Rapozo: We knew your position, so we decided that because of you, we are just going to kill it.

Mr. Sykos: Good going. Thank you.

Council Chair Rapozo: You are welcome. Is there anyone else? Seeing none, is there any further discussion? Roll call.

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

The motion to receive Bill No. 2963 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	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 Rapozo: The motion carries. Bill No. 2964.

Bill No. 2964 – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUAI (*County of Kauai Planning Department, Applicant*) (A-2025-2) (*Numila – State Land Use Amendment*)

Councilmember Kualii moved to receive Bill No. 2964 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: It is the same thing; this is the second parcel. Is there anyone in the audience wishing to testify? Seeing none, is there any further discussion? Seeing none, roll call.

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

The motion to receive Bill No. 2964 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	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 Rapozo: With that, could you read us into Executive Session (ES), please?

EXECUTIVE SESSION:

ES-1152 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County

Attorney requests an Executive Session, to provide a briefing and request authority to participate in the global settlements with the following parties: Purdue Pharma L.P., Sackler Parties, Alvogen, Inc., Amneal Pharmaceuticals LLC, Apotex Corp., Hikma Pharmaceuticals USA Inc., Indivior Inc., Mylan also known as Viatris Inc., Sun Pharmaceuticals Industries, Inc., Zydus Pharmaceuticals USA Inc., and Sandoz Inc. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to the national opioids settlements.

ES-1153 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 Council with a briefing and request authority for a possible settlement proposal in a claim filed by Remillard Huynh & Barbour - Lorie Nishikuni and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to convene in Executive Session for ES-1152 and ES-1153, seconded by Councilmember Bulosan.

Council Chair Rapozo: Thank you. Is there anyone in the audience wishing to testify? Seeing none, roll call.

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

The motion to convene in Executive Session for ES-1152 and ES-1153 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: With that, let us reconvene in the Executive Session chambers in five (5) minutes.

There being no objections, the Council recessed at 11:07 a.m., to convene in Executive Session.

The meeting reconvened at 11:29 a.m., and proceeded as follows.

(Councilmember Kualii was noted as excused.)

Council Chair Rapozo: Mr. Bracken.

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. ES-1152 and ES-1153 were both held regarding active litigation cases. The discussion needs to remain confidential and nothing needs to be disclosed to the public. Thank you.

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

Council Chair Rapozo: Thank you so much. With that, there is no further business on the agenda. The meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:29 a.m.

Respectfully submitted,

A handwritten signature in dark ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ss

