

COUNCIL MEETING

SEPTEMBER 11, 2024

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, September 11, 2024, at 9:41 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 Bill DeCosta
Honorable Ross Kagawa
Honorable KipuKai Kualifi
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 Carvalho moved for approval of the agenda, as circulated, seconded by Councilmember DeCosta.

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

There being no one present to provide 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:

August 28, 2024 Council Meeting
August 28, 2024 Public Hearing re: Bill No. 2925, Bill No. 2926, and Bill No. 2927

Councilmember Kualifi moved to approve the Minutes, as circulated, seconded by Councilmember DeCosta.

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

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

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

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

CONSENT CALENDAR:

C 2024-174 Communication (08/27/2024) from the County Engineer, requesting Council approval of a Resolution Establishing A 25 Mile Per Hour Speed Limit On Kūlana Place, Stop Signs On Kūlana Place And Old Hauiki Road, And A Left Turn Only Lane On Ka‘apuni Road, Kawaihau District, County of Kaua‘i.

C 2024-175 Communication (08/30/2024) from the Hawai‘i State Association of Counties (HSAC) Executive Director, transmitting for Council consideration, HSAC’s nomination of Councilmember KipuKai Kuali‘i, County of Kaua‘i, Councilmember Tommy Waters, City and County of Honolulu, and Councilmember Sue Lee Loy, County of Hawai‘i (NACo presidential appointee), to serve on the Board of Directors for the National Association of Counties (NACo), and nominations of Councilmember Shane Sinenci, County of Maui, and Councilmember Michelle Galimba, County of Hawai‘i, to serve on the Board of Directors for the Western Interstate Region (WIR), pursuant to Section 5A and Section 5C of the Bylaws of the Hawai‘i State Association of Counties, Inc.

Councilmember Kuali‘i moved to receive C 2024-174 and C 2024-175 for the record, seconded by Councilmember DeCosta.

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

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

The motion to receive C 2024-174 and C 2024-175 was then put, and unanimously carried for the record.

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

COMMUNICATIONS:

C 2024-176 Communication (08/19/2024) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua‘i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance, Including Matters Pertaining To Guest Houses.

Councilmember Kuali‘i moved to receive C 2024-176 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Yes, I believe there is one gentleman here for this item, so I do not know if you want to just take it now, and he can leave.

Council Chair Rapozo: Yes, so this will come up later as Proposed Draft Bill No. 2933, but I will take public testimony if you do not want to wait. If you want to take testimony up, I will take that now while we wait for the bill. Okay.

Councilmember Kagawa: Oh, he does not want to come? You want to do it now? Testimony. You want to testify now? Ed? I guess my reasoning is this is only first reading and with first reading it moves on, historically it just moves on anyway to...

Council Chair Rapozo: Public Hearing...

Councilmember Kagawa: Public Hearing and second reading...

Council Chair Rapozo: So, you can have a seat. Just for the public's information, this is the communication that brings the bill over. The Planning Department is off-island at a conference, so we will not have them here today. It will show up later in the bill. It will be heard and hopefully be sent to Public Hearing, but we will take public testimony now. Your testimony for this communication will be attached to the bill as well. So with that I will suspend the rules. Sir? I have not... I do not remember you ever being here.

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

ED MACDOWELL: Last time I was here was when I was getting confirmed for commission and it was very, it was brutal.

Council Chair Rapozo: You have three (3) minutes. The green light will let you know your time has started, the yellow means you have thirty (30) seconds, and the red means your time is up.

Councilmember Cowden: And state your name.

Mr. MacDowell: Thank you. My name is Ed MacDowell. Thank you Council, I am speaking on behalf and in support of the Guest House Bill. Surprised this room is not filled up. This is the most significant improvement for housing this island has ever seen, potential is astronomical. There is going to be a lot of hurdles—you figure between three hundred fifty (350) to five hundred fifty (550) to build a guest house—it is going to be a financial hurdle, but what it will do for the families, particularly. You just look at 'Ōma'ō and Kawaihau roads. These five-acre pieces, three-acre pieces, larger pieces, historical properties. Being able to put in eight hundred (800) square-foot housing for the kids, just the dream, the aspiration. It is strange getting permission on something you have had for so long, but, I thank you very much. I am astonished that this even came here because, this is hundreds of units, hundreds of families, I think potentially thousands of young people, older

people like me, could have a house attached and so many of these places...little bit of history you know it, but I mean the complexity of the Agricultural (Ag) or a lot of these old Ag pieces that are going to be addressed by this primarily, were not suitable for the sugar and all that, that is why they were left out. They are here for housing, it is the best thing going. Couple things on the side: when they go for the guest house, the older houses that are still on cesspool, will be in compliance of the septics which is your next big problem, that is twenty (20) years away, but that is huge. So you get that conversion and you know for the kids and I just can't believe the power of this bill and the impact it has. It is primarily I am thinking generational families. It hits a lot of the new stuff, guaranteed. Kūlana by itself eighty (80) additional guest houses, but it will not happen, because a lot of the newer properties were there for privacy and I do not see them doing the guest houses because they do not have the generation that 'Ōma'ō, Lāwa'i, Kawaihau, *Mauka* Kalāheo, amazing. I thank you very much for considering it, strong support and, I think if people knew this was happening, you would have a thousand people in support of it, because it really hits everybody strong. So, thank you.

Councilmember Carvalho: Thank you.

Council Chair Rapozo: Thank you, sir.

Mr. MacDowell: Eh, I love you guys. This is one Council that cares about the people. Finally.

Council Chair Rapozo: Mr. Bernabe.

MATT BERNABE: Is this on?

Councilmember Cowden: Yes.

Councilmember Kagawa: Yes.

Council Chair Rapozo: You do not need the microphone (mic).

Mr. Bernabe: I do not need the mic, you are right. Matt Bernabe, for the record. I would like to appreciate seeing all of you who were at the Cesspool Conversion meeting the other night, and while I was talking to that activist that had to leave early, I do not know why he wanted to talk to me, because he was going to miss his flight, but I was talking to him and one of the things I said in our discussion is pertinent to this meeting, and I am all for whatever is going on, I do not even know what the next bill is, I would have to follow, but I support all these Additional Dwelling Units (ADUs), Condominium Property Regimes (CPRs), and family mother-in-law units, but I want to say this highlights how new inventory is not going to locals. I want to see politicians stop using "for locals" new housing projects, because those are going to the top bidder, unless it is a public housing, that they are going to rent, but as far as new inventory and the push for ten thousand (10,000) homes from the State and the Governor's mandate, I told this to Representative Luke Evslin—I do not want to hear "for the locals," because if it was really for the locals and locals actually were going to get this new inventory, we would not need to streamline ADUs and CPRs. That is just fact. They would be

getting these new units built. I would like to see our politicians in the future whenever there is a housing project coming, stop hijacking “for the locals.” That is one. And as far as the cesspools go, you know, I am glad that that meeting occurred and I would like to see more sewers and I am going to reiterate something I said several times that night. When it comes to infrastructure, we need investments from the people pushing us to convert. Therefore, if the Sierra Club is really worried about these cesspools leaching, they should be putting some money towards sewer. Sierra Club if are you listening, put your money where your mouth is, help us with some sewer upgrades, because if we are going to have to cut trees for these septic...and what for, and I know this is kind off topic to this, but it is all relevant. Thank you.

Councilmember DeCosta: I had a question.

Council Chair Rapozo: We have a clarifying question. A lot of his testimony was, it was remotely related, but...

Councilmember DeCosta: You made a comment on “hijacking politicians”...

Mr. Bernabe: I did not say hijacking...

Councilmember DeCosta: Hijacking locals or the price of housing...

Mr. Bernabe: It is not hijacking, you are putting words in my mouth.

Councilmember DeCosta: Explain to me. That is why I am asking.

Mr. Bernabe: Okay, so when...if you want me to explain, so when we get politicians, some of you maybe, some of you not, but when you say we need to expand our houses for locals...

Councilmember DeCosta: Because this is the bill right?

Council Chair Rapozo: Okay, hold on. The question was...you did say, Matt, “When politicians talk about new housing, do not hijack the term...”

Mr. Bernabe: Oh, did I use the word “hijack?”

Council Chair Rapozo: You said do not hijack the term “for locals.”

Mr. Bernabe: Sorry. Sometimes I forget the strength. Yes, I am not saying this bill is bad, I would not even go against this because we need it, I know plenty of people that need this. I was not saying that. I am saying that the need for this shows that new inventory is not going to these folks and that is why we need to proliferate what already exists on our own property.

Council Chair Rapozo: Got it.

Mr. Bernabe: If it was new inventory going to the locals, we would not even need this bill.

Council Chair Rapozo: Got it. Thank you.

Mr. Bernabe: That is the relevance.

Council Chair Rapozo: Is there anyone else wishing to testify? Seeing none. Councilmember Kagawa.

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

Councilmember Kagawa: Yes, I will just do my discussion now. I want to thank Ed for testifying. I think, obviously, a lot of people who are in support do not know about it or they are going to wait for the Public Hearing, or wait for it to hit Committee. Hopefully they show up. Adding guest houses on Ag property is going to open the possibility of adding a lot of homes for local families, and infrastructure, water, cesspool or sewer, right in place, is a “slam dunk” as far as opening possibilities to local families to finally get their first homes. I am in support. I know some of the opponents of this bill would say that we are going to be opening up possibilities for these rich Ag homeowners to expand on their properties, which do not apply to local families and I think not every good idea will result in only positive results. I think you will have some where it is give and take, but we are in a housing crisis and when you are in a housing crisis and you are able to add hundreds, or even thousands of homes upon enactment, even though there are negatives, there are more positives and I feel like this is something for me. At this point, I am in strong support. Thank you, Chair.

Council Chair Rapozo: Okay, this is the deal. If we do the discussion now and we get to the bill, we move the bill.

Councilmember Kagawa: Well, I am just not going to talk the next round...

Council Chair Rapozo: Okay let us get it done now, because I think it is important. The public is here. Councilmember. DeCosta.

Councilmember DeCosta: This was an introduction from you and I. Chair Rapozo and myself took it upon ourselves to look at what ways we can help local families. Local families own local land. Yes, we do have some outside families who own land, but when you craft bills into law, you cannot go for specific groups. That is a discriminatory term. So you when you craft a bill into law, it is made for everyone who owns land. So, yes, it may benefit some of the wealthy landowners, but you know how many local landowners in Ag and Ag CPR areas that are going to be able to put homes on their property that are eight hundred (800) square feet—not including the deck. You can have a covered deck of another two hundred (200) to three hundred (300) square feet, that will not be covered under the eight hundred (800) square feet, your picnic area, your outside dinner area. It is going to be huge for local families all across Kaua‘i in the Agricultural zones from Kalāheo,

Lāwaʻi, all the way through Kapahi, Wailua. It was kind of a hurdle and a challenge to get the Administration to agree, but this is a huge investment in our local families, now they will be able to build a one-to-one (1:1) ratio on their property. So if their property had four (4) homes allocated and one (1) guest house, now they can put four (4) homes and four (4) guest houses. If they had two (2) homes and a guest house and one brother was lucky enough to get the guest house, now the other sister or other brother can put a guest house with their main house. So this is a huge one, so thank you all for listening.

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

Councilmember Cowden: Yes, if this is our time.

Council Chair Rapozo: Yes.

Councilmember Cowden: On page 4 of the bill...if we look under item Section 5, item 5(A), when it says public sewer, sanitary sewers, individual wastewater systems or cesspool, I think we need to strike the word "cesspool" and change that to being "septic." Might as well be consistent. There are two (2) places that needs to be fixed. Also on page 6 it says "or cesspool" that should say "or septic."

Council Chair Rapozo: I am sorry, what is the section number?

Councilmember Cowden: It is Section 5 item 5(A), on page 4 in just about the middle of the page.

Councilmember Kagawa: I have a process question, Council Chair.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: All of these amendments can be done at Committee, right?

Council Chair Rapozo: Yes, but I think for the staff's...because if the amendments are going to be substantial, then we are going to have to defer the bill.

Councilmember Kagawa: Okay.

Council Chair Rapozo: Because if we do a Public Hearing and the amendments in the Committee are substantial, then we have to go back to Public Hearing, so I am very interested in hearing...

Councilmember Cowden: Okay so those are two (2) small ones and I have a little bit...

Council Chair Rapozo: So I am sorry, Section 5?

Councilmember Cowden: It is item 5(A), in the middle of the page on page 4.

Council Chair Rapozo: Got it.

Councilmember Cowden: And then the same challenge, this is just a real simple strike, I would not think you would need to go through but whether someone has a cesspool or septic system, actually matters. On page 6, item "A", it says "or cesspool" then another one that might be something that would have to go back is when it is talking about the Fire Department's approval on page 4 under item "D". It says "approval in writing from Kaua'i Fire Department (KFD) is required for all parcels." I think that is laying an awful lot on KFD when we do not narrow it down. Like what we are learning is that insurance in these dense neighborhoods that we, like what is unclear to me here is that if we are giving every approved piece where a year and a half ago, we went to basically where there is a density of one (1) meaning one (1) house per location Tax Map Key (TMK) can really have four (4), because they get an ADU and then each get an Additional Rental Unit (ARU). So do all four (4) of those essentially get a guest house? That is unclear to me, so when we are talking about it, I want to find that out. Because if we are essentially making these neighborhoods be R-8, like eight (8) units per parcel, that would not even be "R," it would be per parcel. I want to have a lot of clarity on that, because if we are laying it on KFD, where there is not going to be the kind of what we call "fire flow" protection to put the fires out. The other thing is with the fire insurance that I am learning, because I got that Notice of Non-Renewal, so when you have these old neighborhoods and the houses are close, the more dense they are, the less likely the fire insurance is likely to be there, and then what we have been learning even like a week ago when we had the Department of Water in front of us, when we are looking at the water system infrastructure plan, the water infrastructure plan being one billion three hundred million dollars (\$1,300,000,000), and we do not have enough water for the existing houses, if all of a sudden we are quadrupling, it might be more than doubling...

Council Chair Rapozo: That is the reason for that section. Section 4 is to make sure that the public facilities are adequate. So, yes you need the Department of Water to say, "Yes, we have water." We need KFD to say "Yes, we have adequate resources in the event of a fire."

Councilmember Cowden: That is why in my questions that I sent ahead, and by the way, of course I want to say "yes" to this. Of course I want to say "yes" to this, because we need this, but when we are looking at water and sewer what I want to be able to know, while we are saying "yes," is to have a list...great, we have the Wastewater Division here...

Council Chair Rapozo: Well, again, today is...

Councilmember Kagawa: First Reading...

Council Chair Rapozo: We are saying "yes" to a Public Hearing.

Councilmember Cowden: We are saying "yes" to a Public Hearing, but you are asking me, so I am saying it is kind of complicated...

Council Chair Rapozo: Right, but...

Councilmember Cowden: I am just acknowledging how important wastewater is, how important, you know fresh water is, potable water and how important fire is...

Council Chair Rapozo: Yes, so...

Councilmember Cowden: I looked at it, and it is a "magic bill," but it could easily...

Council Chair Rapozo: But I am more focused on if you have any potential amendments and you talked about item 4(D), but removing 4(D) would not work.

Councilmember Cowden: I did not say remove it.

Council Chair Rapozo: Oh.

Councilmember Cowden: I said clarify it. So, like when it says "approvals in writing from KFD is required for all parcels," that is asking them to be a Planning Department.

Council Chair Rapozo: No, it is asking them to sign off that the facilities are adequate for the plan. That's all it is saying.

Councilmember Cowden: And so, that would be, to me, an ask that is beyond their scope...

Council Chair Rapozo: No, no. This is standard for all permit applications. You build or extend your house; you have to get KFD approval.

Councilmember Cowden: So, you build a house in a neighborhood that was R-4 and all of a sudden, it is R-16.

Council Chair Rapozo: We are talking about Ag.

Councilmember DeCosta: This is Ag. Ag CPR. We are not talking about residential areas.

Councilmember Cowden: Okay, but when I...

Council Chair Rapozo: No, she is right, because it would apply to the Residential districts as well, but what I am saying is, it is not over and above their job. That is their job. In the planning scope, that is their job.

Councilmember Cowden: Okay because I am saying it is not just Ag, when we are talking about Lāwa'i and Kalāheo...

Council Chair Rapozo: Right, but if I wanted to build an extension on my house today, I have to get the Department of Water and KFD to say that we have adequate resources. That is standard.

Councilmember Cowden: But they are not normally anticipating all the housing surrounding you.

Council Chair Rapozo: That is what this is for. They do the calculation and they make the determination.

Councilmember Cowden: Okay so while I have KFD here, just having you pass it back to your team to take a close look at this, because in my view it is a tremendous responsibility. Do I want this to pass? Yes.

Council Chair Rapozo: Okay, well...

Councilmember Cowden: But is it complicated? Very much so.

Council Chair Rapozo: Again, we are talking about the bill, you know, we will have the opportunity. I am not sure how that would be amended, but if it was it would not be a substantial change. It would not impact the Public Hearing, so that would be fine. Is there anyone else? Councilmember Kagawa?

Councilmember Kagawa: Yes. Every building permit goes through the same process.

Council Chair Rapozo: Right.

Councilmember Kagawa: This would be no different.

Council Chair Rapozo: Right.

Councilmember Kagawa: The zoning change that we are saying here will allow it to be requested in a building permit to see...zoning-wise, they would be allowed to, but they will still have to go through the building permit process as any other building needs to go through. If there is not adequate fire, sewer, water, or what have you, the answer would be "No, not at this time." So, I mean it is no different. What this bill is proposing is to just do the zoning part changes. Your questions are legitimate, like if you were to say, "Every zone will be guaranteed a permit." This is not what that bill does. Every building permit, no matter who you are, you could be the Mayor or you could be a Councilmember's son, and you are not guaranteed getting approvals. They have their guidelines which they follow and if it meets those guidelines, they approve it. So they have been doing this for years, being in the process. This would be no different. I do not see how this affects this bill, but at the Committee Meeting, we can ask, have them up here, we can "hammer" them as much as we want on any issue, and that would be the time. This is just First Reading. I do not see why we are delaying now. Thank you, Chair.

Councilmember Cowden: I just have one follow-up comment on it, and I respect what is being said and again, I want this to be something that happens and in the community where I live on the North-East side, we have a lot of what is called CPRs where the land has been split up and it is not as well-defined by the County Planning Department, and so when something goes into five (5) pieces and there is supposed to be five (5) houses on those five (5) pieces and one (1) guest house, well

maybe the first three (3) build seven (7) houses in between them and they are already over so the last two (2), they do not have any capacity to build. Sometimes when people should have the capacity, they do not. That is something that I see is a constant issue and in that CPR, a lot of them simply do not have the fire flow protection that is appropriate. So I just wanted to say, have we crossed our "t's" and dotted our "i's?" I want it to happen. We know that it costs sometimes as much to flush the toilet as it does to build the house. Between water and wastewater, so caution is important or at least we let people know ahead of time, "Hey, you are not in an area where you are going to be able to get because there simply is not the water available." So we want to be careful.

Council Chair Rapozo: Again, this provides an opportunity for...you know what, let me just say the reason we introduced this Bill is because of the housing crisis. Councilmember DeCosta and I had many discussions with the Administration, with a lot of property owners and I think Ed touched on the generational families, the ones that you mentioned: Lāwaʻi, Kalāheo, up Kawaihau Road—all they want is an opportunity to build a house for their children and they are not able to do it right now. I just want to make sure the public understands two (2) key components: Number one (1), obviously you cannot vacation rent or short-term rent these properties. You cannot. That is not allowed and those that try to do that will get enforced. The other real key component, I think it ties in what Councilmember Cowden just talked about, this additional unit will be tied to the unit that allowed them that density. In other words, if you have density for one (1) parcel on your Ag property or on any of your properties, then that ADU is attached to the main density. You cannot sell that ADU off separately. You are not able to separate the two; it is not separable. Basically, it is tied to the initial house. I mean it is a detached dwelling, but you cannot subdivide or CPR that out and sell that separately. It is tied to the unit of density. There are a couple of things that I am going to ask Mr. Bracken to hear me out on this and see if we need to do the amendment before or after the Public Hearing. We did receive testimony from Caren Diamond, which I fully support. Her recommendation is to exempt parcels in the Special Management Area (SMA). We do not want to add more density into areas that are subject to environmental concerns, sea-level rise or any of that, so is that something that we can add in now or can it wait until the Committee Meeting? The other thing is Conservation Districts. Conservation Districts have a State requirement limit of one (1) parcel. I think that we should probably put that in here as well just to remove the confusion. Conservation Districts would be exempt from this and parcels in the SMA. Okay, Mr. Bracken, I will suspend the rules.

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. Looking at those potential two (2) amendments. The bill that did come back from the Planning Commission does reference the SMA, but it has a maximum of one (1) per lot of record. If you want to amend it to zero (0), you could do that. I would almost recommend doing both amendments now, that way when it does to go Public Hearing, those amendments are in place, and we do not have to worry about any substantial changes.

Council Chair Rapozo: Is there a way to add in those two (2) exemptions as opposed to...this ordinance shall not apply to properties in the SMA or in the Conservation District, rather than trying to fix every section? As I read the Bill, there is no prohibition for a parcel in the SMA.

Mr. Bracken: There is no prohibition. The Bill that came back did have an insert or referenced the SMA, because the original Bill did not have one (1).

Council Chair Rapozo: Right.

Mr. Bracken: Then they inserted that.

Council Chair Rapozo: ...but they are saying that only one (1).

Mr. Bracken: Only one (1).

Council Chair Rapozo: I do not want it to apply to properties in the SMA. Again, this is up for discussion at the Committee Meeting. My concern is putting out an amendment during the Committee Meeting that is considered a substantial change that would move the Council back to a Public Hearing. That is all.

Mr. Bracken: I think that you could just do the exemption. Basically, you could erase that Line 6 and just put in...because you are saying where it can apply, so you could also exempt it. I like your strategy.

Council Chair Rapozo: I think that is the easiest way, just to go ahead with, "Shall not apply to properties in the SMA and in the Conservation District". Is that something that we can work on?

Mr. Bracken: Yes, I think that should not cause an issue.

Council Chair Rapozo: Staff, can we prepare that amendment? Is that possible?

Councilmember Kualifi: We are still just on the Communication.

Council Chair Rapozo: I understand that the Planning Department is not here. If we add it in and go through to the Public Hearing, then we decide to take it out, would that trigger a new Public Hearing?

Mr. Bracken: No, you could put it in and take it out, because you would be broadening the bill. It should be okay if you put it in and take it out. Generally, I would assume when you make a bill broader...what you are doing right now, is narrowing it. Essentially, taking it out and making it broader, which is when you potentially run into substantial change issues, but the public basically has notice, they have the current versions, you have this current discussion. I do not see any substantial changes.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I am just thinking. I am sure that the Planning Department has things that are in place that will address shoreline management when the permit requests come before them. To just take them all off at this time without even knowing how many Ag lots are in the SMA. That “blows” our questions for the Planning Department and the Department of Public Works (DPW), I would guess. I appreciate Ms. Diamond saying that, but how much are we talking about? How fair is it for them? We are an island surrounded by water. How fair is it for the local homeowners that have this opportunity that will be given to everyone else, but we are saying “No, we are taking it out, just because this one (1) constituent told us to take it out,” without having any facts before us to say that the ones in the SMA are not good. We have processes in place in right now by the Planning Department. Their approvals are considered changes in shoreline.

Council Chair Rapozo: It is really a policy call.

Councilmember Kagawa: It is a policy call, and I do not believe that we should “yank it.”

Council Chair Rapozo: Yes, that is the beauty of this process. That is what this process is all about and it is not just one (1) constituent...we are not doing it because of one (1) constituent. I have walked that coast, and you do not want...Again, that will be voted on. My question is really about the process and at this point, I honestly think that we should just defer the bill and get all our amendments shared with the Planning Department.

Councilmember Kagawa: Okay.

Council Chair Rapozo: I do not want to fall into a situation where the Council needs to do another Public Hearing, because that just prolongs the process so much longer.

Councilmember Kagawa: I am good with a deferral.

Council Chair Rapozo: Mr. Bracken, do you have any...

Mr. Bracken: As I pulled up my notes on substantial change, just to look over it real quickly. To be honest, everything that has been proposed this morning should not make a substantial change. You should be able to proceed with the Public Hearing and make those changes and it would not...

Council Chair Rapozo: And make those changes during the Committee Meeting?

Mr. Bracken: You are talking about narrowing it. If you were to make those changes in the Committee Meeting, you are narrowing the scope of the bill. There should not be any substantial changes, so you can proceed.

Council Chair Rapozo: That is good enough for me. We will work on the amendments for the Committee Meeting.

Councilmember DeCosta: Can we push it to the Committee Meeting?

Council Chair Rapozo: Well, it will go to Public Hearing. With that, I will call the meeting back to order.

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

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

Councilmember DeCosta: This Bill was crafted for the entire island. I know that the North Shore has a few concerns, but those concerns are from a few people and there are a lot of North Shore residents who own Ag lands that could benefit from this, old family Ag land. I want to make sure that the people from the North Shore to the Westside know that this Bill is for all of Kaua'i, not just for one (1) group.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Finally, the one (1) story that I recall that we had the opportunity to discuss something similar to this was from Patty Lyons. Her family had a pig farm in Kapa'a. She was worried about her sons and nephews. Look now, M & H Kaneshiro Farms no longer have their pig farm. If they go out of business because it is not feasible for them to continue farming, then we are going to have buy mainland pigs, if we are talking about the wild boars. In a way, it is looking at sustainability for some of our Ag families whether they get to continue and keep us moving in the right direction, as far as food sustainability. It touches more than just adding houses and I think that Patty Lyons' story resonates with me as to why this is a "no brainer." Thank you to Council Chair Rapozo and Councilmember DeCosta. We have talked about this before and were always turned away by...we need to keep Ag, Ag. We have enough opportunities in Residential areas or abutting Ag areas near infrastructure that are possibilities, but those are not a quick fix. Those will take time. This Bill right here will actually be the fastest way to see results, as far as the housing crisis goes. I thank you folks. I am in full support. I really want to see us give the opportunities to our local families. Thank you, Council Chair Rapozo.

Council Chair Rapozo: I think that it has been talked about a lot in past years, even this year with Councilmember DeCosta and I. This did not come without opposition from some members of the Administration. Everyone is concerned about "gentleman's farms" and all these rich subdivisions. Listen. What else can we do? Everyone talks about this, building housing, and more. The story that Councilmember Kagawa just talked about; I have heard from numerous local families across this island that their kids are gone. I do not have an Ag lot, so this does not apply to me, but if I did have an Ag lot or enough room and I could put in an additional unit...some of these Ag parcels have a density of two (2) or three (3). They can put three (3) houses for their kids and that might be the reason that their kids stay home. That is why this is done. Yes. Will the rich be able to build an ADU? Yes, they can build an eight hundred (800) square foot ADU. Can they vacation rent short-term? No, they cannot. Are they going to put that up to rent? Yes, they can. Someone who

is currently in a crowding situation where multiple families are living in one (1) house, may be able to move into their own place. When someone decides that they want to move into that nice Ag farm up Kawaihau Road or in Kalāheo, the house that they were in becomes vacant for someone else to rent. Listen. Are there downsides? Absolutely, but do we “throw the baby out with the bathwater” and say that we do not want the rich to have this opportunity, so we are going to keep it from our locals? Absolutely not. Again, if anyone has a better idea, bring it on. I want to hear it, but right now, all I hear is that we need this many units and that the costs are high. This will give instant availability of properties for owners to build homes for their families. That is the motivation behind this. Is there anything else?

The motion to receive C 2024-176 for the record was then put, and unanimously carried.

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

C 2024-177 Communication (08/20/2024) from the Fire Chief, requesting Council approval to accept a donation of one (1) 2024 Kawasaki Mule for the North Shore Ocean Safety Lifeguards, at an estimated value of \$25,014.65, from the Kaua‘i Lifeguard Association, increasing optimum function for emergency response.

Councilmember Kualī‘i moved to approve C 2024-177 with a thank-you letter to follow, seconded by Councilmember Carvalho.

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

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

The motion to approve C 2024-177 with a thank-you letter to follow was then put, and unanimously carried.

C 2024-178 Communication (08/27/2024) from the County Engineer, requesting Council approval to purchase unbudgeted equipment of a Flygt Series Effluent Pump, at an estimated cost of \$46,000.00. This pump would convey effluent to the Wailua Golf Course for irrigation purposes, due to an unanticipated mechanical failure of an existing effluent pump at the Wailua Wastewater Treatment Plant (WWTP).

Councilmember Kualī‘i moved to approve C 2024-178, seconded by Councilmember Cowden.

Council Chair Rapozo: With that, I will suspend the rules. Hang on, we will have the Administration come up to brief us a little bit.

There being no objections, the rules were suspended.

DONALD FUJIMOTO, Chief of Wastewater Division: Good morning, Donald Fujimoto, Chief of Wastewater Division. This effluent pump actually was on the budget last year. We went through the process to procure the pump, but because

the pump is so old, they discontinued making it and we missed the procurement deadline, so now, we are going to purchase it this year.

Council Chair Rapozo: I know that we have heard a lot about the WWTP. Talk to us about it, because I honestly forget. Explain what this is.

Mr. Fujimoto: WWTP produces our tube water, and we have an opportunity and are very fortunate to be able to reuse the water at the golf course. From my understanding, the golf course needs this water. The other part of this is that...after we process the effluent, it has to be pumped through the reservoir where they actually pump this for irrigation to the golf course. There are two (2) pumps and that is part of our operating permit, is that we have two (2) pumps to have redundancy. Right now, one (1) of the pumps has gone down so we are relying only on one (1), so if something should happen to that, we would not be in compliance and we would lose the opportunity to reuse.

Council Chair Rapozo: How long has this pump been broken? You stated that this was in the last budget.

Mr. Fujimoto: About a year now. We actually tried to put this together and "band aid" it, but finally, the seals and everything have been so bad that they cannot use it. It is entirely offline now.

Council Chair Rapozo: I am planning to put an item on the Agenda to get an update on WWTP. If I am not mistaken, you talked about...are we in the process of doing a sewer study, facilities plan, or anything like that? Is that happening, Donald? I heard something at the Cesspool Meeting the other night that was quite disturbing, that the Administration has no plans to expand or relocate. That is what we heard. I need to know. I am under the impression that you folks are, and this is not the first time that we have been putting money into this broken down plant.

Mr. Fujimoto: Yes, we do have plans. One (1) big part of the plan is the cesspool conversion opportunity, but right now, that portion has not been funded.

Council Chair Rapozo: What was that?

Mr. Fujimoto: Has not been funded.

Council Chair Rapozo: What about the sewer plan? Is there an effort from the Administration going forward to put together? I have asked for this for quite a while. I think you know this, Donald. I have asked many times. Do we have a plan to create this master plan for sewer conversions on Kaua'i?

Mr. Fujimoto: Right. That plan is ongoing.

Council Chair Rapozo: Where are we at now?

Mr. Fujimoto: One (1) of the biggest pieces that we are waiting for is the hydraulic modeling. In the past, we have concentrated more on the process, on what the plant can treat, but one (1) of the missing links is that our collection systems are also Aging. We are having trouble with inflow and infiltration (I&I). Whenever Kaua'i has high storm events, we have high flows. We need to start addressing the collection systems. One (1) of the pieces that we need to complete this master plan is a really good study, evaluation monitoring...

Council Chair Rapozo: Is this specific to Wailua?

Mr. Fujimoto: For all the plants.

Council Chair Rapozo: Is there anything in the plan for Wailua, as far as relocation?

Mr. Fujimoto: That part we are just about finalizing. Again, thanks the Council's wisdom, we did have that upfront and we acknowledged that we have to move that plant for any future expansion.

Council Chair Rapozo: Where are we on that process?

Mr. Fujimoto: We are just about finalizing that plan and again, conceptually, it is confirmed that we have to move. I guess that is the most important part rather than staying put. The second part is, right now, it appears that based on the initial analysis, the cheapest would be to try to build one (1) big regional plant on the south side of the river, because everything is already flowing to us. That would mean trying to get some land within the Department of Hawaiian Home Lands (DHHL) because they are the only landowner south of the river.

Council Chair Rapozo: I guess I am more interested in trying to find out, as far as the plan, do we have a consultant that is looking at flow, location, where is the best location? I heard you just say that you folks think the best location is south of the bridge, but who is the consultant that we have?

Mr. Fujimoto: Kennedy Janks. Because the studies involved, again, the more we do it, the more we realize that we do not know, and we need more studies, so we are phasing the plan. Right now, based on current funding, we have enough money to complete the study. Again, the conceptual siting study. Again, the preferred alternative would be to site a regional plan on the south side of the Wailua River. Again, we do not have control over DHHL, so the other option would be to look at Midler's property and build a regional plant on that side.

Council Chair Rapozo: I know that the site is important. Are you saying that the consultants are done with the study of the flow and how big a site that we need? Are we even there yet? That is where I am looking. This is why I am frustrated. We have communities that we need to put on the sewer and I think what we asked for is a plan. Where is your low-hanging fruit? Which neighborhood should we sewer first? Based on that, the consultants should be able to tell us, based on your plan, where you want a sewer line, this is the size of the plant that you need and

based on the demographics and where they are located, this is the best place. Are we there yet?

Mr. Fujimoto: Yes.

Council Chair Rapozo: How big of a plant are we looking at?

Mr. Fujimoto: Right now, we are probably looking at a total buildup of five million (5,000,000) gallons per day (MGD). We are probably double. Excuse me. Two million five hundred thousand (2,500,000) MGD. Right now, we are at one million five hundred thousand (1,500,000) MGD, so based on the immediate needs, probably about three million (3,000,000) MGD per day is what we would need.

Council Chair Rapozo: How many areas do you think that would be able to...

Mr. Fujimoto: That should take care of all the high density areas, Houselots, Fuji Beach areas, all the areas really in Kapa'a Town that does sewer and some of Kapahi, next to Wailua.

Council Chair Rapozo: Again, we will be asking for a formal presentation, because I think time is of the essence with the cesspool conversion problem and people have been trying to figure out if they should put a septic, but were told be on a sewer. We will set something up.

Mr. Fujimoto: Again, I would just like to qualify. One (1) of the biggest missing pieces is not only identifying what we need, but identifying how we are going to fund it, because there are a lot of costs involved in expanding this.

Council Chair Rapozo: Donald, do you remember during Budget, we asked you about that? Do you need more money?

Mr. Fujimoto: I am not prepared to get there because again, we are talking about a lot of money.

Council Chair Rapozo: I understand that, but we need to get these plans in place, so we can determine what those moneys are, then we can go secure the funds from the Federal funds.

Mr. Fujimoto: Right. Again, we are phasing out the facility plan. Part of the facility plan is the financial aspect study of it.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Council Chair Rapozo. Donald, I am a little concerned. This is an unbudgeted amount for a pump, forty-six thousand dollars (\$46,000), but we knew that the other pump was broken a year ago.

Mr. Fujimoto: Yes.

Councilmember Kagawa: Why was it not budgeted?

Mr. Fujimoto: It was.

Councilmember Kagawa: It says unbudgeted.

Mr. Fujimoto: It was budgeted in last year's budget, but we could not procure it, because the pump that we tried to buy was no longer available.

Councilmember Kagawa: It was a priority in your budget.

Mr. Fujimoto: Yes. We missed the deadline. By the time that we found out that the pump was no longer available, the procurement process was already done.

Councilmember Kagawa: It lapsed and now, we have to put it back in?
Mr. Fujimoto: Yes.

Councilmember Kagawa: We need two (2) pumps for it to be working or we could be in serious trouble with our effluent discharge. Is ordering one (1) sufficient or should we be ordering two (2)? It seems like you are putting a lot of pressure on the one (1) that is working, to handle the work of two (2).

Mr. Fujimoto: We actually came to the Council and got your approval for the State Revolving Funds (SRF) for the next phase, which I think was sixteen million dollars (\$16,000,000). Part of that job is to upgrade those effluent pumps, but because of the tsunami issues now, the plans are being redesigned to comply with the tsunami requirements. We are looking at a delay of about six (6) months and then the construction will be under eighteen (18) months. We cannot wait that long.

Councilmember Kagawa: Is the function of these pumps to get the water to the reservoirs?

Mr. Fujimoto: Yes.

Councilmember Kagawa: Then, from the reservoirs, they go out to all the sprinklers and whatever in the area. Is that how it works?

Mr. Fujimoto: Right. That is a different pumping system that the golf course takes care of.

Councilmember Kagawa: Okay. Very important. Another thing, as far as funding, we are going to need a lot of funding to handle the expansions of our existing WWTP, upgrades, and new sewer treatment plants. Do you folks know that there is a funding source with the General Excise Tax (GET)? We are giving eleven million dollars (\$11,000,000) out of the thirty-five million dollars (\$35,000,000) to the buses, so that is a possible funding source that you folks could ask for. I am sure that the State would agree to the amendment, if you folks say that it is to expand sewer treatment plants, because I think cesspool violations are highly critical and of importance to the State. That is one (1) area that you folks could look at. Then, the buses could be self-sustaining, as it was before, then when the GET sunsets, at least

the buses could have a funding source rather than this false funding source that they are using now. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: If we approve the forty-six thousand dollars (\$46,000) today, how soon will the pump arrive and how long does it take to put it in place? I am hearing that we needed it a year ago. Is it a year from now, two (2) years from now, or four (4) months from now?

Mr. Fujimoto: If we are lucky, it will be about four (4) to six (6) months.

Councilmember Cowden: About four (4) to six (6) months. I remember a couple years back when we had a fire hydrant go in there and it damaged the pipe, so we had to scope and shim, because we learned that those pipes were leaking. I do not totally know what I&I means, infiltration and...but how likely is it that our pipes everywhere are exhausted and leaking like what is there coming into Lydgate Beach?

Mr. Fujimoto: What is your question?

Councilmember Cowden: When we looked at our pipes, when we "busted" the pipes putting in a fire hydrant, we learned that our pipes had *pukas* in them, so we put a scope in, then we put a shim in. Is probably most of this antiquated system leaking like the part that we fixed? Is it probably leaking everywhere?

Mr. Fujimoto: Well, we know that we are having high-flows. We think that it is an isolated case. Again, we are trying to get a Federal grant of one million five hundred thousand dollars (\$1,500,000), which is actually earmarked for this year, I believe. We are just about complete with the application process. It is a real bear getting these Federal moneys.

Councilmember Cowden: I do not have experience doing your job, I&I means, infiltration and...

Mr. Fujimoto: Inflow.

Councilmember Cowden: I think that is a big deal. When you are saying at hightide, we have a high-flow, does that mean that at hightide, the ocean is going into our pipe?

Mr. Fujimoto: That is probably happening.

Councilmember Cowden: Could that possibly be all the way along Kapa'a?

Mr. Fujimoto: Again, that could be, but I think that we are hopeful that it is an isolated area, so we need to find out exactly where it is, so we can fix it.

Councilmember Cowden: That is saltwater going into those pipes, which is going to be exhausting the pipes.

Mr. Fujimoto: Not necessarily. Again, these Vitrified Clay (VC) pipes are well-made and are designed to withstand all types of chemical impacts. Again, depending on what type of pipes...in the old days, iron pipes were used. Those are the worst, because they deteriorate over time. New VC pipes are...

Councilmember Cowden: Are those black? What color are VC pipes?

Mr. Fujimoto: Clay color.

Councilmember Cowden: Clay color, but is it plastic?

Mr. Fujimoto: Reddish-brown.

Council Chair Rapozo: Councilmember Kualii, did you have a question? Go ahead.

Councilmember Kualii: When you were answering Council Chair Rapozo's questions at the very beginning, you spoke about a master plan and you talked about finalizing that plan—and I do not know if you were talking about the master plan at the same time, but what plans are actually underway? I think you said because of funding, even as far as the plans go, you have to phase that. So you mentioned there is someone working on the plan right now that you hired, and who is that, what is the plan, and at what cost?

(Councilmember DeCosta was noted as not present.)

Mr. Fujimoto: Okay the plan is, our consultant is Kennedy Janks. They are very experienced consultants in sewer systems and we are glad we got them on board. I think the most important part of the plan that is completed is what Chair Rapozo pointed out is at least now we know...

Councilmember Kualii: So is that the sewerization plan?

Mr. Fujimoto: It is like a business plan. It looks at all the strengths and weaknesses of the system and what we need to do to be prepared for the future. So one of the key issues was, what do we need to meet the future needs and one of the big things was this cesspool conversion issue. Also looking at current capacity, a condition assessment, because it is so old—and I think the biggest thing that came out of the plan was now understanding that we no longer have options about staying where we are. We are going to have to move at some point. We are struggling just to keep up and maintain our current facilities, the initial effort was looking at what do we need to at least meet our current permitted capacity of one million five hundred thousand gallons (1,500,000) per day.

(Councilmember DeCosta was noted as present.)

Mr. Fujimoto: Right now we are only at one million (1,000,000) gallons per day. So to meet the immediate needs we have to first get back to permitted capacity. So again, the long-term plan, looking at all the cesspool conversion opportunities, looking at the region and growth rate. We actually think that we can handle Coco Palms, I mean all of that we can accommodate right now on the existing plan. As long as we can meet the permitted capacity. And as far as looking beyond that, Mahelona, the Wailua Houselots, Kapahi—Wailua Houselots can be handled by our current facility. We are going to have to expand and that means we are going to have to move. Because we know we have to move, if you start the clock now, it normally will take us ten (10) years to build a new facility. Not to mention put in the budget for that because a new facility, easy would be close to one hundred million dollars (\$100,000,000), which was never budgeted, so we do have our challenges. Definitely, we need help on how to figure out how we are going to pay for this because our current clients, five thousand clients cannot pay one hundred million dollars (\$100,000,000). This is only one area. Waimea is another area that we have to move the facility, so we do have challenges.

Councilmember Kualii: So it more or less sounds like the plans that were currently worked on was just to verify what the situation is, but we need to start the plans for where we are going to go also, right?

Mr. Fujimoto: Right...

Councilmember Kualii: So if what you were saying is that your phasing even the plans because of the cost, then you have to come to us and tell us how much money you need to at least get this plan started for where we are going to go and plans that should have been started yesterday, regardless of what it is going to cost five (5) or ten (10) years from now, we have to put the plans in place, and what I think Chair was alluding to was, if we at least have the plans based on meeting the needs, based on—I mean this is Lihu'e there is so much land here that could be developed. Housing, right?—it is all about housing. We keep talking about that but then it comes back to water and wastewater, right? In order for that to happen, we need to move and even if it is going to take ten (10) years, it's going to take eleven (11) or twelve (12) if we do not at least start the plans, so even if it takes a money bill, we should not even wait until the next budget round. If it takes a money bill to pay a consultant to get the plans started, we need to start the plans. So are you ready to do that and what's it going to take if not, for the new relocation?

Mr. Fujimoto: Well, thank you for that.

Council Chair Rapozo: We have been offering that for a long time, Donald. We have been offering that for a very long time. Go ahead.

Councilmember Carvalho: No, I am not going to repeat. We have had this discussion many times, Donald. The bottom line is we have to move forward and this is what it is. I heard you say finally, "We have to move that out of Lydgate." It has to be relocated, right? Now the funding will come, it is just we have to start now. Now, I will not go into all the details because we already discussed it, but there is a plan that we have to get going and you know that. So, I just want to make sure we are on the same page and moving.

Mr. Fujimoto: So, I would like to again clarify the big difference between the plan that I want and what used to be, the old facility plans were just condition assessment. It looked at what we need to survive. What I think we need is a business plan for each plant and that is the missing part, the financial piece on how we are going to get there. That part, I am still trying to work on getting the funding for that.

Council Chair Rapozo: Would you agree that a facilities plan for Wailua relocation is something we should do, specific to Wailua?

Mr. Fujimoto: Yes.

Council Chair Rapozo: The other plants are functioning, maybe not—my point is this Donald...

Councilmember Kualii: Priority.

Council Chair Rapozo: The Wailua Plant is the priority right now. It is in a tsunami zone, it is already limited in capacity, we are spending this kind of money to keep this thing working; would you not agree that that is the priority?

Mr. Fujimoto: I have to do my due diligence here and it is not only Wailua. Lihu'e, as you mentioned, is our core area and there is a big target for development in Lihu'e. So Lihu'e needs the business plan, too. We already committed our resources to affordable homes in Ele'ele and DHHL wants to also build in Ele'ele. So I cannot just say the priority is this area. The entire island is a priority I think and we need to really look at...

Council Chair Rapozo: Is Ele'ele falling apart?

Mr. Fujimoto: No, we are just going to reach capacity and...

Council Chair Rapozo: Only Wailua, Right?

Mr. Fujimoto: Unlike Wailua, Waimea, and Lihu'e where we get reuse, Ele'ele has no reuse. We are putting all the effluent in the ground. We are just pumping it. There is a big issue now with the State called the functional equivalence. It is the contamination of the ocean and that is going to be a big thing because now Ele'ele might need to start looking at reuse opportunity.

Council Chair Rapozo: Well, this is what I am going to do. I know, my research tells me that the facilities plan for Wailua, the relocation plan, would be about five hundred thousand dollars (\$500,000), that is what I was told.

Mr. Fujimoto: Excuse me? It is more than that.

Council Chair Rapozo: Just the facilities plan, not the build.

Mr. Fujimoto: We are looking at easy three million dollars (\$3,000,000,000) or four million dollars (\$4,000,000,000) for the facility plan.

Council Chair Rapozo: Maybe we have the wrong consultant, Donald.

Mr. Fujimoto: No, we have another consultant that is almost the same. We have a different consultant for Līhu'e.

Council Chair Rapozo: Okay well I will chat with you offline to let you know who I spoke to.

Mr. Fujimoto: Okay, alright.

Councilmember Kualī'i: I know you talked about in the future having an update, but in the meantime I think maybe we could ask him to just give us some information in writing, tell us what do you have, what plans are in the making, what plans do you need and for what estimated price?

Council Chair Rapozo: We did ask for that.

Councilmember Kualī'i: Did we get it?

Council Chair Rapozo: No, and that is why I am saying so, I am looking at September 25th. That is two (2) weeks, Donald and I am sorry to put the pressure, but DHHL wants to build homes in Līhu'e, possibly some Ag lots in Wailua, we are not going to build any homes if we do not have wastewater. Nothing. We can talk all we want about...even this bill we just talked about passing. Anyway.

Councilmember Kualī'i: Could not a regional plant in the Līhu'e—Wailua area address both? So I mean if those are two (2) of our areas that need to be addressed, then it could all be done together if we just plan for it.

Mr. Fujimoto: I will throw this out there because it is relevant. I got a call from the land developer, Grove Farm, and they actually asked if they were to allow work with DHHL and provide a regional plant for Wailua and send all of Hanamā'ulu flows to Wailua, would we be able to treat the one thousand (1,000) homes in Līhu'e, and the answer is yes. But the issue is this; in theory it works because we are displacing Hanamā'ulu with the Līhu'e DHHL project, but you have to remember it takes ten (10) years to build a plant.

Council Chair Rapozo: That is why we are pressing. Maybe you do not get it. That is why the pressure is coming because like he said, if we wait one (1) year it is eleven (11). If we wait two (2) it is twelve (12). I mean...

Mr. Fujimoto: Maybe I know too much. One of the issues is that ideal as it is, we still have to overcome the airport. Because DHHL, everything south of Wailua River, is within the five (5) miles on the Federal Aviation Administration (FAA) issue. FAA stopped the landfill, as you know. It was only a small leaching lagoon that stopped these folks, maybe the rubbish and attraction of birds.

Council Chair Rapozo: Is not the Wailua Plant now within five (5) miles?

Mr. Fujimoto: Yes, it is.

Council Chair Rapozo: Yes, it definitely...

Mr. Fujimoto: But it is an existing plant, you know.

Council Chair Rapozo: Okay. I will tell you what I am going to do because we mentioned DHHL. I am for September 25th, because I think they are the ones on track to build or they want to build...

Councilmember Carvalho: Yes, they want to build.

Council Chair Rapozo: ...and from my understanding they want to build Residential and Ag lots, Ag sustainable lot in Līhu'e as well as Wailua. I will ask DHHL to be here because I think, maybe we need to help the consultants a little bit, I do not know. We will have DHHL come up on September 25th to provide us their plan, their development plan for Līhu'e—Wailua, and then Donald, I would suggest you be prepared to come and share with us, honestly, because if we are not going to be able to get it done, then game over, right?

Councilmember Carvalho: Yes.

Council Chair Rapozo: I mean I guess they are going to build their packAge plants. Councilmember Cowden.

Councilmember Cowden: I have a very simply clarifying question. Did I miss something here? We cannot build a sewage treatment plant near the airport?

Mr. Fujimoto: Well, that is...

Councilmember Cowden: I mean, I understand the landfill...

Mr. Fujimoto: FAA regulations...

Councilmember Cowden: No sewage treatment?

Mr. Fujimoto: Well, they look at all these types of situations, anything that might attract birds.

(Councilmember Kualii was noted as not present.)

Councilmember Cowden: I do not see birds at the sewage treatment plants, not much, are there many?

Mr. Fujimoto: What they are probably going to oppose is the open...anything that has an open waterway, reservoir-type situation.

Councilmember Cowden: So they just do not even want the effluent pond, sitting there, bubbling?

Mr. Fujimoto: No...

Councilmember Cowden: Because it might have birds?

Mr. Fujimoto: No, no. I do not know. I am hoping it is not going to be an issue, but it was an issue for the landfill, so I am just throwing it out to you...

Council Chair Rapozo: I would suggest we find out because you know what was bad for the last one might not be bad for the sewerage plant. I mean we can sit here all day and talk about the reasons why we cannot do something. The discussion needs to shift to how are we going to get it done and that's the discussion that we have to have. So, now we will shoot for September 25th. Jade, you can take note. Are there any other questions for Donald? If not, thank you. Is there anyone in the audience wishing to testify? Mr. Bernabe.

Councilmember Kagawa: Maybe we can turn the mic off...

Mr. Bernabe: What? Turn it off?

Councilmember Kagawa: It is cool.

Mr. Bernabe: I am trying to break this one, too.

Councilmember Kagawa: We love you, man.

Councilmember Cowden: Yes, we love you.

(Councilmember Kualii was noted as present.)

(Councilmember Bulosan was noted as not present.)

Mr. Bernabe: Matt Bernabe, for the record. I would like to thank you for being so diligent on this issue. This is actually the issue that I saw on the agenda that I wanted to come in. Most of the original questions off the top of my head were asked, not answered, but asked, which led to even more questions and thoughts that rolled through my brain. First off, no, Hanamā'ulu has to wait. The Houselots is first. Do not tie Houselots or Hanamā'ulu into our system and not even include us. That is personal. But I wanted to point out funding. Look, I am going to say it again, the people that lobby for the 2050 benchmark on cesspools were Sierra Club, Open Circle, these types of entities that have deep pockets, and their mission statement includes the language that supports—hey, put our money to convert into sewer septic, which it has to be, because there is no sewer. Let us lobby them for some money. I do not understand why it has to be south of the river? Look, Kaua'i has rivers and—we are such a small island with so many bodies of water and you are pretty much never going to find the perfect place, right? Why can it not be on the bypass side? I would like to know more but he did not answer them. The thing that I am alluding to is, I used to tease shovel-ready projects. I used to be like "Wow, you folks have all these things ready?" What happened to those days? I wish there was a shovel-ready project, that we could just throw down and go seek the money. This is a long, on-going problem. I stop at the red light to make a left turn to go eat at Pono Market on a daily basis and have to smell

feces because of this problem. Go to the gas station by my house, buy some fried chicken and try eat it outside the door. We are laughing because it is real, you know what I am talking about. Anybody that sat at Houselots stop light trying to go to Safeway or any other place in Kapa‘a, is stunk out. Stunk, stink, feces. Shovel-ready projects, let us go.

Council Chair Rapozo: Is there anyone else in the public wishing to speak?

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

Council Chair Rapozo: Is there any final discussion? Councilmember Kagawa.

Councilmember Kagawa: I am in full support. I think that is a perfect partnership, the current treatment plant and the golf course, because when you look at the Wailua Golf Course, it is so beautiful and green with the natural fertilizer, right? Perfect partnership. And a perfect way for us not to get in trouble with letting effluent go because the sun dries the effluent out on the grass and it is a perfect partnership where we do not use drinking water to water the grass, so just a perfect partnership. One partnership that may have to be amended in the future, because how long do we put money into fixing our old sewer treatment plants? Instead of fixing, I think what I am hearing is the Council is looking at, okay, ten (10) years down the line, how do we move these treatment plants to expand our coverage to alleviate residents' burden of changing cesspools to septic when sewage is underway, and getting that message out, like the Council Chair keeps talking about—getting the message out so people can plan going forward. You are going to pay sixty thousand dollars (\$60,000), but if it is ten (10) years down the line, maybe you will wait. As much as we do not want to wait, maybe at least people can plan. Right now, there seems to be no plan, because Donald inherited the Wastewater Division that had so much of these repairs that have been put off, and now they are attacking it, it is hard because we are asking him to plan for the new things when they are busy now, making sure we do not get in trouble with the current things. Sorry, if sometimes the Council comes off asking you, “What are you doing?” It is just because of the urgency, so many people are getting stuck with their building permits being denied because of the cesspool. Sometimes it is just for adding for a family member yet being denied. It is frustrating. It is frustrating for local families knowing that the option is a sixty-thousand-dollar option. Will sixty thousand dollars (\$60,000) fall from the sky? It will not. Thank you, Donald. I support you and I think one of the things is to ask for help, ask for time is better than no communication. You obviously will need help from Troy, from the Mayor, everyone will need to get behind you to make sure we have the funding going forward. You are talking about a lot of funding, you will need the commitment of the higher ups, and then we can realistically move forward and plan. Thank you.

Council Chair Rapozo: Is there anyone else?

Councilmember DeCosta: I do not know where to begin, honestly. I was excited to be a Councilmember. I was excited to run for Council. I look over here on my notes, one hundred million dollars (\$100,000,000)...

(Councilmember Bulosan was noted as present.)

Councilmember DeCosta: ...for the Wastewater Treatment plant, which does not include Waimea. We have a Waimea 400 that we have to build. We have to build in Hanapēpē, ‘Ele‘ele, Lima Ola, and DHHL projects. One hundred million dollars (\$100,000,000) for a solid waste landfill...the vision of this should have been done a long time ago. I tell you folks what I see, Councilmember Kagawa said a mouthful when he said eleven million dollars (\$11,000,000) going to the Kaua‘i Bus. I said the Kaua‘i Bus should run in the morning and in the evening, taking people to work and people back home from work. It should not run during the day for people to jump on the bus to *holoholo*. I look at the Kaua‘i Bus stop out here, there is a bunch of homeless people on the bus always going *holoholo*. Eleven million dollars (\$11,000,000) every year is a small fraction to put towards our infrastructure problems. Kaua‘i, are you not listening? The Council, the Administration have to take Kaua‘i like a tree, with an axe and chip away at the problems, because we are not chipping away. We all “talk the story” and we do not put nothing of the funding towards infrastructure. It is time, we have to do it. It is not a popular thing. It is not popular. Whether you are the Mayor, the Council, or the Administration team, it is not a popular thing. If we expect our children, his daughter to come back from college, my son to buy a house and live on an island that is not congested with traffic and no infrastructure for sewer and no new landfill, we are joking ourselves right now. We are joking ourselves. I am done. Thank you.

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

Councilmember Cowden: I want to start by saying thank you to Donald and it is a difficult job and for everyone in play, like Troy and everyone, it is your responsibility, but it is not your fault, right? So, I get it. I thank you and as I said in the last meeting, it cost more to flush the toilet than it does to build a house. That is why I was just stumbling a little bit on something so needed, like to go, “Yes, let us double our housing supply,” but if you cannot flush the toilet, you cannot build the house. As we heard from the Department of Water, all these pipes, he used the phrase “set and forget.” Some of these pipes for potable water are one hundred (100) years old or more, and I do not know how old the pipes for our sewers are, but it is a really long time, too, and we did that one hundred million dollar (\$100,000,000) float for a bond to try to help bring us up to code. We have a lot going on and it is difficult, and we are all trying to do that heavy lift. It is a problem. I thank you for doing it and the simple thing is the pump, yes, absolutely, get the pump. Forty-six thousand dollars (\$46,000) for a pump, please, yes. That is really what this Agenda item is on the surface. I appreciate that the Council Chair allowed us to expand beyond it because it is a symptom of a much larger problem.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Surely one of the reasons you are hearing a lot of passion from the Council and from the testimony is that we were just in a community meeting Monday night. Our three (3) legislators at the State House hosted the townhall on this very issue, cesspool conversion. We heard a lot of upset community members. 2050 is getting closer, everyone is anxious. They are especially

anxious, too, because they want to expand...they cannot do anything on their properties right now because it all comes back to, "Oh, but you still have a cesspool and until you upgrade your cesspool to a septic, you cannot even make little additions," which their family requires, right? They are upset. They want to know, too, is the future going to allow them to hook up to the sewer or do they need to make the big investment. It is becoming more and more critical, and we are going to hear more and more from the people, so we need to get going. We will continue funding whatever you need to put Band-Aids on the WWTP, so that it can keep serving, because if that breaks down and there is nothing, then we are really in trouble. We absolutely have to relocate and get moving. Let us know what you need to get the studies started. We need to know. Even just the basics, the sources of the waste, and the usages of the waste. If all we have on all of Kaua'i is just the Wailua Golf Course that is actually using the effluent, that is kind of embarrassing and shameful. We need to do more with the outflows. When you talk about perfect partnership, the State DHHL now is giving us a perfect partnership because they have so much development that they have to do, people are dying on the waitlist, and now with the cooperation of Grove Farm selling them lands, three hundred (300) acres, they are initially planning one thousand (1,000) homes, they are also planning two hundred (200) sustainable Ag lots, and that is just the Lihu'e piece, then the Wailua five hundred (500) acres, their plans there is to convert not to residential, but to all sustainable Ag. Huge amounts of uses. Wherever this regional plant ends up being located and if it needs to be further from the airport, the potential for the partnership is all lined up. Yes, money is the biggest hurdle, but you have to chip away at it, and we can start putting some money, at least, in the plans now...like, urgent. Like, "now." Thank you.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: This is an islandwide issue, we are not saying one over the other, but we have to start somewhere. The location of this particular plant is right next to the ocean, right in the sea-level rise area, along with reaching out, so...and then bringing partners to the table. We need to start somewhere. We have a plan in place and now I think this is the time to...if it is ten (10) years, we have to start yesterday. Today, is the day. Partners are coming to the table, too. We need to embrace that. We have to work on this. We have to make sure that this moves forward and getting whatever resources...yes, money is a big issue, but once we can show we have a solid plan from the federal, state, county, all those levels, things will come. We have to show that, and it will resonate to other parts of the island. That has been the biggest picture. I am talking big picture things, not into the specifics, but DHHL is at the table, all of us working together, so this discussion today is important. Whatever we have to do at the County Council level, we will do, but we have to reach out as well. In the last discussions we have been involved with, there are partners ready to jump in and we just have to make it happen, and that is what Chair was talking about. If it is ten (10) years, let us start now. That was my part in assuring that we move forward.

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: It might have been last week or the week before, we had an update from the Department of Water and when they came before us to give us the update, I was very happy to hear that they said that they were

already working very closely with DHHL. They recognize, too, the potential for all that additional housing for our local people and that they wanted to make sure they help be part of that solution and support DHHL, so I hope that the Wastewater Division would also work very closely with DHHL. Maybe even when you leave here today, call someone and see...so that when you come back to the Council in a couple weeks, we can have some type of update of where we are going.

Council Chair Rapozo: Is there anyone else? It is frustrating because this is not a new issue. It is not a money issue. I hate when we say, "the money, the money, the money." Yes, everything costs money. It is a priority issue. It is a priority issue. The Transportation Investment Generating Economic Recovery (TIGER) grant, no money issue, right? "We are going to do it, and we will find the money." The transportation hub in Kapa'a, did we talk about money? No, we did it and we found the money. The childcare center across the street, all the bike paths that we built all over the place, it is a priority, right? If you want to get it done, then you get it done. Councilmember Carvalho and I have been meeting with DHHL and, Donald, you were in one (1) or two (2) of those meetings, we talked about their offer to provide land and do some cost-sharing. The window of opportunity is there. We need to take advantage, because if not, it is going away, DHHL will build their own plant and then we are going to be their customer, which makes no sense. The core function of this County is public health and safety, and to provide infrastructure, that is our responsibility, not DHHL, not the State, but ours. Councilmember Kagawa talked about the budget and this has been the largest budget we have ever seen and honestly, where I am at right now, I want to go through the budget and just take fifty million dollars (\$50,000,000) from the Capital Improvement Projects (CIP) and all these other "fluffy" things, and stick it in the Wastewater Division or in the Reserve, so that you have money. I do not want to hear you do not have money. The Council asked. In the Budget, we asked the Wastewater Division, we want to give you more, "No, no, we are good." We are not good. We are in trouble. We have to move this. I do not know what the expectation is, what is going to happen in the next five (5), eight (8), ten (10) years? Councilmember Cowden brought up a good comment about the approvals, the Water approvals, the Wastewater approvals, you have someone who wants to donate their land and build a subdivision for us and, "Sorry, we do not have, you have to build a package plant," which we do not want. That is our core function of government. We do not need more package plants, ejection wells, we do not need those types of things. We have to provide. We have raised everyone's taxes so much, we have generated more revenue, and we have a landfill issue, we have a wastewater issue, we have a water issue. All the core functions are failing. We are here, like, what can we on the Council do? We are here to say, "Tell us what you need and let us get it done." It is not about how much things cost. I was thinking two hundred million dollars (\$200,000,000), so we actually we get a fifty percent (50%) discount, it is only one hundred million dollars (\$100,000,000). I guarantee you if we had to sit and cut one hundred million dollars (\$100,000,000) from this budget, we could. We could get very close. Yes, some people will suffer. Yes, some of the amenities that we offer our constituents will have to wait, but what is more important? We are in trouble. I cannot be the only one who sees that. To your point about allowing us to expand on the discussion, the reason why I allowed the discussion is because the forty-six thousand dollars (\$46,000) is one of many emergency funds that we had to approve. We cannot just keep buying Band-Aids. These are expensive Band-Aids. If you add up all that we spent over the years in emergency funds for Wailua, and I

focus on Wailua because that is the only one that I can recall we had so much of these emergency repairs. We should be fixing the problem and not the symptoms. Donald, hopefully in two (2) weeks, we are going to have some sense of an idea of where this County is heading. If the priority is in 'Ele'ele, tell us. If it is in...wherever it is. If it is in Līhu'e, tell us, but we need to know the options and we need to start prepping as we roll into a new budget year, we need to start prepping for that, not scrambling during the budget, thinking where we will find the money. That budget should and better have money for wastewater, or we are going to put the money in the Wastewater Division, and unfortunately, it is going to come from someone else's program. Sorry for the vent, but it gets old after a while.

The motion to approve C 2024-178 was then put, and unanimously carried.

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

C 2024-179 Communication (08/29/2024) from the Fire Chief, requesting Council approval to accept a donation of one (1) Fire Prevention Week Kit, at an estimated value of \$225.00, from State Farm Insurance, which includes one (1) banner, fifteen (15) posters, and one hundred (100) of each of the following: theme brochures, activity books, stickers, magnets, bags, and "Hard of Hearing" smoke and Carbon Monoxide alarm tip sheets.

Councilmember Kualī'i moved to approve C 2024-179 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?
Mahalo to State Farm.

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

The motion to approve C 2024-179 with a thank-you letter to follow was then put, and unanimously carried.

C 2024-180 Communication (08/29/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$700,000.00, and to indemnify the State Executive Office on Aging, for the provision of Title III services of the Older Americans Act (OAA), which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2025. This award is through September 30, 2026.

Councilmember Kualī'i moved to approve C 2024-180, seconded by Councilmember Cowden.

(Councilmember Carvalho was noted as not present.)

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

Councilmember Cowden: I have a simple question.

Council Chair Rapozo: Sure.

Councilmember Cowden: Thank you for the amazing work that you do and I just want to confirm. Costs have really gone up as everything has, and so we are going to run out of money by October, is this saying that we are not running out of money until next summer?

There being no objections, the rules were suspended.

LUDVINA K. TAKAHASHI, Executive on Aging: Kealoha Takahashi, Executive on Aging. This is just part of the funding. I have communication coming to this Council for the State funds as well.

Councilmember Cowden: Will there be a disruption of service this Fall?

Ms. Takahashi: No, this will help.

Councilmember Cowden: This will help. I just want to make sure. I know we have so many more people who need it than are getting it, but the people who are getting it, are going to continue to get it.

Ms. Takahashi: Yes.

Councilmember Cowden: Okay, I just wanted to make sure.

Council Chair Rapozo: That is the correct answer.

Councilmember Cowden: Thank you so much.

Ms. Takahashi: Thank you, all.

Council Chair Rapozo: Are there any further questions for Kealoha?
If not, thank you. Mr. Bernabe.

Mr. Bernabe: Matt Bernabe, for the record. Of course, there is no dissent here on this topic, but I would like to take the opportunity to say that although I have not participated in all aspect of these programs, I have delivered food to seniors for quite a while, actually. I have my own problems in my world, but it is so humbling to walk into some of...I am already choking up because to be honest, I do not cry much, but some of these people need, not just assistance, but they need interaction. I have gone into some of these homes, and they are so happy to receive a small ziplock of rice. I left one day thinking I waste more rice in a day than these folks have. It just made me reflect how much of a good life that I have. You never see me breakdown, but this is a serious topic. Some of the elderly folks, they need all layers of the community to come together. Thank you for what you folks are doing.

(Councilmember Carvalho was noted as present.)

Council Chair Rapozo: This is a historic day. We got to see Matt shed a tear. You are making me cry. Kudos to our Agency on Elderly Affairs and Kealoha

and her team, we have had meetings because there are some programs that are threatened. I speak for the entire Council, like we told the Wastewater Division, "you need anything, please ask." This Council will never say no. We will find the money. Thank you for the validation for what they and you do, Matt. I appreciate that. Is there any further public testimony? Is there any discussion?

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

The motion to approve C 2024-180 was then put, and unanimously carried.

LEGAL DOCUMENTS:

C 2024-169 Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of a Dedication Deed, from the Association of Apartment Owners (AOAO) of Kūlana, dedicating Roadway Lot 22-A, Tax Map Key (TMK) No. (4) 4-3-003-027 (por.), of the Hauiki Road Subdivision for roadway purposes.

- Dedication Deed

Councilmember Carvalho moved to approve C 2024-169, seconded by Councilmember Kualifi.

Council Chair Rapozo: Is there any discussion or public testimony? Just for the public's knowledge, on August 28, 2024, it is basically a Dedication Deed for the roads in the Kūlana Subdivision. Part of the subdivision requirement was that these roads will be dedicated to the County. We had questions of the Planning Department, so we deferred it. The Planning Department was present, with the AOAO President and he answered our questions, so this is just the final...Councilmember KAgawa.

Councilmember Kagawa: This is off Olohena, right? That is the Kūlana Subdivision. The one that had the big thing blocking the road.

Council Chair Rapozo: There were so many issues. There are three (3) dedicated lots that will be...okay, is there any further discussion?

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

The motion to approve C 2024-169 was then put, and unanimously carried.

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

C 2024-170 Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of Dedication Deeds, from the Association of Apartment Owners (AOAO) of Kūlana, to convey three (3) roadway lots, located at Tax Map Keys (TMKs) Nos. (4) 4-3-011-001 (por.) (Lot 21), (4) 4-3-011-001 (por.) (Lot 22), and (4) 4-3-011-001 (por.) (Lot 23), of the Hauiki Road Subdivision for roadway purposes.

- Dedication Deed (Lot 21)
- Dedication Deed (Lot 22)
- Dedication Deed (Lot 23)

Councilmember Kualii moved to approve C 2024-170, seconded by Councilmember Carvalho.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I want to commend the County and whatever Agencies that helped to get this thing finally moving to this point. When you have fraud involved and it affects a subdivision like this, you hate to see honest people intending to have their dream or something for their families, moneys being spent and then being affected by fraud and not coming to fruition years later. The fact that we got it here and to overcome the fraud that had taken place is a good thing for Kauai. I am happy to support this item. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I want to acknowledge those members of the AOA in really doing the heavy lifting for what feels like close to twenty (20) years and just acknowledge that by them carrying the weight for what looks like an empty subdivision, in a way helps the County a lot that has not gone to scrub. It is beautiful in there. I felt like the Planning Director answered my questions and sent me the information, and I see that we have someone in here waiting this entire time, so I thank you, but I do not have any questions for you...our engineer.

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2024-170 was then put, and unanimously carried.

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

CLAIM:

C 2024-181 Communication (08/22/2024) from the County Clerk, transmitting a claim filed Against the County of Kauai by Eye Care Center of Kauai, for property damage, pursuant to Section 23.06, Charter of the County of Kauai.

Councilmember Kualii moved to refer C 2024-181 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?
Seeing none.

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

The motion to refer C 2024-181 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: Next item, please.

COMMITTEE REPORTS:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (CR-PRT 2024-08) submitted by the Parks & Recreation / Transportation Committee, recommending that the following be Received for the Record:

“PWVS 2024-07 – Communication (08/12/2024) from Committee Chair DeCosta, requesting the presence of the Department of Water Manager & Chief Engineer, to provide an update relating to water infrastructure such as storage and transmission, specifically in connection with current and future housing developments, and how water meter installation costs are determined based on square footage and the number of fixtures per home,”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion? Seeing none.

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

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

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

PLANNING COMMITTEE:

A report (CR-PL 2024-02) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2024-03 – Communication (08/28/2024) from Council Chair Rapozo, requesting the presence of the Planning Director, to provide a briefing on the Kūlana Subdivision, to include but is not limited to its history and foreseeable future County obligations. This briefing is a follow-up to the two (2) items that appeared on the August 28, 2024 Council Meeting Agenda in which the Planning Department requested that the Council accept and approve of Dedication Deeds from the Association of Apartment Owners (AOAO) of Kūlana,”

A report (CR-PL 2024-03) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2024-02 – Communication (08/08/2024) from Council Chair Rapozo, requesting the presence of the Planning Director, to provide a briefing on the beach access to the area fronting the end portion of ‘Anini Road,”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion? Seeing none.

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

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

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

COMMITTEE OF THE WHOLE:

A report (CR-COW 2024-20) submitted by the Committee of the Whole, recommending that the following be Approved on Second and Final Reading:

“Bill No. 2925 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Residential Leases of State-Owned Property*),”

A report (CR-COW 2024-21) submitted by the Committee of the Whole, recommending that the following be Approved on Second and Final Reading:

“Bill No. 2927 – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED,”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion? Seeing none.

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

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

RESOLUTIONS:

Resolution No. 2024-20 – RESOLUTION ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON KŪLANA PLACE, STOP SIGNS ON KŪLANA PLACE AND OLD HAUIKI ROAD, AND A LEFT TURN ONLY LANE ON KA‘APUNI ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUA‘I

Councilmember Kualii moved for adoption of Resolution No. 2024-20, seconded by Councilmember Carvalho.

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

Councilmember Cowden: I drove all those roads, and they are all in good shape, this all made sense.

Council Chair Rapozo: Were you driving twenty-five (25) miles per hour (MPH) or over, because you can go fast now, but once this passes, it is going to be 25-MPH.

Councilmember Cowden: I was creeping along, because I was being nosy.

Council Chair Rapozo: Yes, it has come a long way.
Councilmember Cowden: Well-maintained.

Council Chair Rapozo: Is there any further discussion or public testimony? Roll call.

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

The motion for adoption of Resolution No. 2024-20 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, 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.

Resolution No. 2024-21 – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS AND THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2024-2025

Councilmember Kualii moved for adoption of Resolution No. 2024-21, seconded by Councilmember Carvalho.

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

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

The motion for adoption of Resolution No. 2024-21 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, 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. 2919) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, INCLUDING MATTERS PERTAINING TO GUEST HOUSES

Council Chair Rapozo: I will entertain a motion to receive. This was the original bill that was sent over to the Planning Commission, they made some revisions, so it comes back as a new Proposed Draft Bill. We need to receive this bill.

Councilmember Kualii moved to receive Proposed Draft Bill (No. 2919) for the record, seconded by Councilmember DeCosta.

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

The motion to receive Proposed Draft Bill (No. 2919) for the record was then put, and unanimously carried.

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

Proposed Draft Bill (No. 2933) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, INCLUDING MATTERS

PERTAINING TO GUEST HOUSES (*Kaua'i County Council, Applicant*) (*ZA-2024-3 – Planning Commission Recommendation*)

Councilmember Kualifi moved for passage of Proposed Draft Bill (No. 2933) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 9, 2024, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Carvalho.

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

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

BRUCE HART: For the record, Bruce Hart. I do not usually speak on Bills For First Reading, but it was a robust discussion by all Councilmembers in regards to this Bill. We just had the Wastewater Division up, and the Council spoke about, "Well, some people say that this Bill will be used by rich people to build." We also talked about multiple families. I want to point out that when we say, "local families," we are not talking about race. We are talking about the people who were born and raised here. In the last generations, a lot of Caucasians have been born and raised here and they are local too. I know you all know that, but I want the public to know that you know that, and that is what you in fact mean. I know Ag property owners that are going to benefit by this. I think it is a good bill. This is the first time I spoke on housing in quite a while. I want to thank the Council Chair and Councilmember DeCosta, this Bill will help just as it was discussed. People will actually be able to build homes for their children, and those homes will be used by their children, and not for the purpose just to make money. It will actually house people. I want to thank Councilmember Cowden for bringing up some issues with the Bill, and Council Chair for the discussion, and then I want to say connecting this to infrastructure, because I did not get up to speed, especially on infrastructure, I waited for this Bill. The public needs to understand that every Councilmember and everyone in this room and everyone throughout the community, we have to have infrastructure, or these bills will not do anything. It is a priority, and when the Council Chair suggested that we actually take moneys out of the current budget and put it towards infrastructure, I think it is important to understand that long-term, that is a good idea. We are talking about our children and where they are going to live, and how they are going to live. It will benefit them long-term. Thank you.

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

ABRAHAM APILADO: I am mostly a listener, not too much of a talker, unless I think I have something good to say. I do not know too much about the rules or how things take place in order to get things done, but in the beginning of the meeting, you folks were talking about Hurricane 'Iniki and how everyone came together, and this is just a suggestion...but before I get to my suggestion, I am a fisherman by trade, and what Mr. Fujimoto talked about to take one million dollars (\$1,000,000) to consult, he is not joking. At the Port Allen Small Boat Harbor, the State paid one million dollars (\$1,000,000) back in 2019...it was a big lump sum of money, and all it basically said was, "Your harbor is broken." That

took a lot of money, and then they hired other folks to build a harbor that was not sufficient, and it continues to break down. Now, back to my suggestion, my suggestion is that we have a lot of people on the island that know exactly what we need, exactly what we need to do, and probably will not cost close to what is being asked. Is there a way that we can include the public in tackling this project? I guarantee you that if we ask Goodfellow Bros., LLC, or whoever they are—they know, they talk, but they also feel left out because they do not “hold ranking or title” to make the calls for whatever needs to be changed. I think that may be an option to look into, and if it is even possible, because I think it will address the problem quickly, if they are allowed with the “go ahead.” Thank you.

Council Chair Rapozo: Thank you, Abe. Is there anyone else wishing to testify?

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

Council Chair Rapozo: I am going to frame my response to tie into the Bill because these homes will require wastewater. The way it works, Abe, is anytime the County goes out to purchase studies or anything, they have to go through the State Procurement Law, which is a public process. Therefore, everyone has an opportunity to compete for the contract and then at that point...I share your pain, my friend. Is there any further discussion? Councilmember Kagawa.

Councilmember Kagawa: I am agreeing with what Abe is asking. Sometimes we have these consultants that give us bad work. We are supposed to have licensed engineers within our Department of Public Works, I know my dad was a licensed engineer, along with his boss at the time, 1970s. I do not recall them doing consultant work for every little thing, I think they were the bosses because they could approve plans. I think we need to go back in time, sometimes, rather than relying on mainland consultants giving us bad advice, taking our one million dollars (\$1,000,000) every time they do something as simple as evaluating whether the one hundred-year-old (100) boat harbor needed to be repaired. They said they need...

Council Chair Rapozo: Are you making reference to the work that it will take for the ADUs, correct?

Councilmember Kagawa: Yes.

Council Chair Rapozo: That is what I thought.

Councilmember Kagawa: Right, thank you, Council Chair.

Council Chair Rapozo: Councilmember DeCosta, regarding the ADUs, correct?

Councilmember DeCosta: Yes. There was a conversation piece about sewer relating to the ADUs. Most of the area, and Again, back to the consultant, it does not take rocket science to know that way up in the country, whether it is Kapahi,

‘Ōma‘o, Lāwa‘i, or Kalāheo, there will not be sewer lines. If we had our sewer plan, then we would know exactly what areas will have and will not have sewer. This area will have septic. These areas have electric and water already, and hopefully we can work with the Department of Water, but again, this Proposed Draft Bill (No. 2933) is an excellent way to instill new opportunities for our local kids to come back. Local meaning, you live on the island, you are a resident of Kaua‘i, you have been here, and you want to share its culture and tradition, just like how we all came. I am as white as Bruce Hart Portuguese, Spaniard, White—European, just for the record, if anyone is thinking I am not talking about locals, I am not talking about myself. I think this Bill is excellent, it is a “no-brainer”, and I would like to thank Council Chair and the rest of the Members for listening to it. Council Chair, thank you for working really hard with me and making this possible.

Council Chair Rapozo: Thank you for your work as well. It is hard when you first introduce a bill and the first thing you get is opposition, that is brutal, but it is here. Councilmember Cowden.

Councilmember Cowden: Again, I want to say I am very supportive of the concept of this Bill, especially when we are emphasizing these five-acre parcels and these things that have the real obvious room for it. I want to make sure that we are able to avoid disappointment, so these are just suggestions of what I would like to have when we work on the Bill during the Committee Meeting, is if there are areas that we know that there is insufficient infrastructure? That we are clearly able to identify buildable areas, you do not have to put it in there, but so the people know, okay, if you live in Hā‘ena, it is not going to be for you, if you live in this area, it is going to be for you—so that people will know that is the case. I want to also be able to understand if it will inadvertently raise the value of all property, because the potential for doubling the density, when I hear repeatedly that we are doing this for places where there is space to add for family, when I look at Section 2 (i) “The development of one (1) guest house per one (1) dwelling unit is authorized in zoning districts R-1 to R-6, R-10 to R-20,” some of these are already really dense, so I want us to make sure we need it for R-20, because if it is really going to make it be R-80 or whatever, I think we have to be careful of that. When we talk about local families, you do not hear me say that very often because I understand that there can be a “sting” in it. I think, I hope that what we mean when we are talking about local families is all of us who live here, work here, raise our families here. I do not even think it is legal if it is about “where you were born,” because a lot of us have kids who moved somewhere else. I am hoping that when they go away, that they are treated with love and respect. I want to acknowledge that there are many people that even if they moved here when they retire, a lot of times they come here and do heavy lifting and really help our place function tremendously. It is our people, our residents, yes, so I think we need a robust discussion, and I want to look at those deeply dense places already. On Rice Street, we are already effectively up to R-80, would that make it to R-160? We cannot do that.

Councilmember DeCosta: This is not Ag.

Councilmember Cowden: But this says...this is not for Ag; it is for all of it.

- Council Chair Rapozo: Yes, it is for all.
- Councilmember DeCosta: Representative Luke Evslin already passed it, right?
- Council Chair Rapozo: Yes, the State already passed that bill adding two (2) ADUs.
- Councilmember Cowden: I know, and I am already worried about it. I just want to make sure that we are aware of the implications. Palmer came in here, an architect, and he was the one who called it to our attention, that, hey, this is not double, it is coming quadruple. We took a break, our attorney went out, looked at it, thought about it, and so we inadvertently actually quadrupled rather than doubled.
- Council Chair Rapozo: Yes.
- Councilmember Cowden: I just want to make sure that we are careful. You are thinking about Ag, but this says all.
- Council Chair Rapozo: And “we” was the prior Council, not me, I was not on that Council.
- Councilmember Cowden: You were not, but I was.
- Council Chair Rapozo: Because I would never have supported that.
- Councilmember Cowden: I did, though.
- Council Chair Rapozo: I expect a lot of discussion in Committee.
Councilmember Bulosan.
- Councilmember Bulosan: I want to thank Councilmember DeCosta and Council Chair Rapozo for proposing the Bill. At first glance, it looks like something that will benefit our community. I look forward to hearing from our community and the public discussion in the Committee Meeting, I think there may be some things that we can hone in, but as it is right now, I think it is something that can benefit our community. Thank you.
- Council Chair Rapozo: You can thank us after it passes. Is there any further discussion? Because I heard a lot of discussion about the term “local”. I want you to understand that when I say “local,” it means living here on the island full-time. That is what I mean when I say local. I do not know what color you are, where you were born. If you live here full-time, twelve (12) months out of the year, to me, that is how I define a local person. If you are a part-time resident, sorry, you are not fully local. You might be local someplace else, but when I use the term, I want the people to understand, when I say we need to take care of our local people, what I mean is that I want to take care of the local people that live here full-time that contribute to the community. That is my definition.

The motion for passage of Proposed Draft Bill (No. 2933) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 9, 2024, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

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

BILLS FOR SECOND READING:

Bill No. 2925 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Residential Leases of State-Owned Property*)

Councilmember Kualii moved to approve Bill No. 2925 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Is there any further discussion?

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

The motion to approve Bill No. 2925 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 ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, 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.

Bill No. 2927 – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE

REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED

Councilmember Kualii moved to approve Bill No. 2927 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Is there any further discussion? Mahalo to the Finance Department for seeking this out and saving the County more money.

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

The motion to approve Bill No. 2927 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 ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL - 7,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

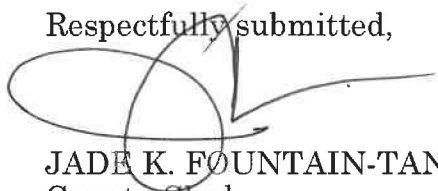
Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: With that, no further business on the Council Agenda, without objection, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:37 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:mdt