

PUBLIC HEARING

MAY 18, 2016

A public hearing of the Council of the County of Kaua'i was called to order by Ross Kagawa, Chair, Public Works / Parks & Recreation Committee, on Wednesday, May 18, 2016, at 1:30 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihu'e, and the presence of the following was noted:

Honorable Mason K. Chock
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura

The Clerk read the notice of the public hearing on the following:

“Bill No. 2628 – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY,”

which was ordered to print by the Council of the County of Kaua'i on April 20, 2016, and published in The Garden Island newspaper on April 27, 2016.

The following communications were received for the record:

1. Askew, Greg, (undated)
2. Hanapēpē Economic Alliance (Judith Page, Helen Lacono, Kim Headley, and Joanna Carolan, dated May 16, 2016)
3. Headley, Angela, and Headley, Kim, dated May 16, 2016
4. Imperato, Carl, dated May 17, 2016

Ms. Fountain-Tanigawa: Committee Chair Kagawa, we have four (4) pieces of written testimony in support of the measure and one (1) piece of testimony providing comment. We do have registered speakers also.

Committee Chair Kagawa: So there are four (4) for the measure and one (1) just providing information?

(Note: Greg Askew's testimony was counted twice; therefore, the correct number of testimonies are four (4) in total; three (3) in support and one (1) providing comment.)

Ms. Fountain-Tanigawa: At this time.

Committee Chair Kagawa: Thank you. So noted. Can we have the first registered speaker, please?

Ms. Fountain-Tanigawa: The first registered speaker is Joanna Carolan, followed by Judith Page.

JOANNA CAROLAN: My name is Joanna Carolan. I am here representing both myself and business, which is located in Hanapēpē, called the Banana Patch Studio and Aloha Spice Company. I am also the Treasurer of the Hanapēpē Economic Alliance. I think the most important thing that I would want for you folks to understand and why I am supporting this ordinance is that Friday Art Night is an event that sort of grew out of the original Hanapēpē Economic Alliance back in 1997 in trying to recover from Hurricane Iniki and promote economic growth for the businesses that were really struggling. At that time, they created an event that the goal was to raise awareness of the town and bring people to the town. Because many of the storefronts were vacant, one of the components of the event, or at least the original board, was to get some street vending, not necessarily products per se, but music, food, and things that would sort of fill in those empty storefronts. Unfortunately, Hanapēpē still has some buildings that are empty, so for a walking visitor, I feel that the activities on the street really create a wonderful experience for both residents and visitors; both for the experience of people attending and also for small business owners, I think it is a beneficial, “win-win” event. Some of the problems that we have really struggled with as an organization, and personally as a business owner, is how can we ensure that the things that are happening on the street are either in compliance with both the county and state laws, that there are people that actually have business licenses and are not just selling compact disc (cds) out of the back of their trunk? We have been reaching out to the County for many years. George Costa has been really instrumental in helping to try to manage this event. Now, because in Hanapēpē, not all of the vending is actually on County property. It does take place on private property. This ordinance would allow us some management of what is going on there. We could limit it to Kaua‘i Made products or things that we feel are really important. Like we said, we do not want people just selling cds out of the back of their trunk. It would give us...I am out of time.

Committee Chair Kagawa: You will have three (3) additional minutes once everyone has spoken if you want to come back.

Ms. Carolan: Okay, I will.

Committee Chair Kagawa: Next speaker, please.

Ms. Fountain-Tanigawa: Next speaker is Judith Page, followed by Greg Askew.

JUDITH PAGE: I am actually having a hard time hearing back there. If I could not have read the screen, I would not actually know what she said. My name is Judith Page. I live in Hanapēpē. My son and I own a coffee shop and it has been there for five (5) years. Before that, I owned a gift and gallery shop. It has been a bit of a challenge because I think we have a real conflict between the vendors on the street and the businesses potentially because the businesses pay rent, insurance, and property tax, either directly and indirectly. They pay overhead for employees and their goods. The people on the street do not do that, so we have always been looking for a way to equalize that because we spent a lot of time, money, and effort doing marketing and putting Hanapēpē out there so that visitors and locals will come and enjoy Friday Art Night, and hopefully the rest of the week. We are hoping that this process might help us find a balance that would work better for both the brick-and-mortar storeowners and the people on the street who bring a lot of value to town as long as it is not “sort of cheap junk,” and as long as the food has the right

licensing and the kitchens are being used, as long as GE taxes are being paid. We are really concerned that there be a sort of fairness in the entire process. We also do not want it to get so large that you think you are in Disneyland on Main Street. We want it to be more of a hometown than that. Okay.

Committee Chair Kagawa: Thank you. Next.

Ms. Fountain-Tanigawa: Next speaker is Greg Askew, followed by Monique Tucker.

GREG ASKEW: My name is Greg Askew, like let me “ask you” a question. I own a company called “Ono Pops” together with my fiancé. What we do is we buy directly from local farmers and make over seventy-five (75) flavors of frozen popsicles here on Kaua‘i and Hanamā‘ulu. We currently distribute them to over twenty (20) retail locations and sell Ono Pops around the island. We also participate in a number of events that we have been discussing already, such as Hanapēpē Art Night, Kapa‘a First Saturday Art Walk, Kapa‘a Third Saturday Art Walk, and a number of other ones. What I have observed since we have been here three (3) years is that the local events, especially Hanapēpē Friday Art Night and First Saturday Art Walk in Kapa‘a, could really benefit with quite a bit more organization. I think we all look at these events and we do see residents, as well as visitors, who find great value in it. We talk to hundreds of people every week at these events and they tell us they find great value in it, so I think we want to continue with them. I also see that there are some issues. I worry about security and safety at these events, trash pickup, and facilities for people to use. I think that the revocable permit that is being discussed today is an opportunity for business organizations or other community organizations to be able to make these events more manageable for us to take care of all the things that we need to do to have a safe and very effective event. Thank you very much for your time today.

Committee Chair Kagawa: Thank you for your testimony. Next registered speaker.

Ms. Fountain-Tanigawa: Monique Tucker, followed by Matthew Bernabe.

MONIQUE TUCKER: *Aloha* Honorable Councilmembers. My name is Monique Tucker and I sit on the Board with the Kapa‘a Business Association. I am also the Event Coordinator for old Kapa‘a First Saturday Art Walk. I am testifying in favor of Bill No. 2628. I think having more organization and having more authority to organize vendors and whatnot would be beneficial as a whole. Kapa‘a First Saturday Art Walk did start very organically. There were never vendor fees that were very similar to Hanapēpē’s. The event, I am grateful to announce, that after five (5) months into the year, we are breaking even. The event was actually carrying a debt of over one thousand dollars (\$1,000) for the majority of 2015. The Kapa‘a Business Association carried the event through. The expenses that we incur is about one thousand dollars (\$1,000) per event. We are now breaking even through our vendors. I guess I am asking for the Council to take into consideration into the application fee. One hundred dollars (\$100) does not seem to be unreasonable to me as something that we could incur. Anything more than that would be fairly challenging, considering that the event is kind of on the edge. The value that it has to our community and my personal involvement in it is that I appreciate that I live in a community where people, my neighbors, my friends, and my community can show

up and there is a space where you can make a little side pocket for yourself, and that there is availability for tourists and locals. It is like the one (1) night of the month that everyone comes out and everyone shares together in celebration of community and support. Thank you for your time and consideration.

Committee Chair Rapozo: Thank you. Next registered speaker.

Ms. Fountain-Tanigawa: Matt Bernabe, followed by Keiko Napier.

MATTHEW BERNABE: Matt Bernabe, for the record. I really like the Kapa'a First Saturday Art Walk. I hardly attend, but I have gone a few times. I actually have acted as one (1) of the vendors fundraising for my daughter's fights, as I have testified before. I have never really traversed the whole area because I usually stay right where I am at and there is so much action that I never really moved around. From talking to some of the businesses since this has become an issue, some of them have expressed that they have actually loss business because other people migrating to...and we are talking about in the food industry, some food wagons and whatnot that are not even from the region coming in and whatnot. This might be able to address that. I would like to point out that maybe there should be a special meeting one (1) day with all of the people from Hanapēpē, Kōloa, and Kapa'a—the business and not just the associations, and have several focus group sessions. Maybe they can refine this plan a little better. I know some of them are not at the table. I have talked to them, I have been going around and talking to people in person, and they are not...even though they are businesses, they do not talk with the associations as much as they probably could or maybe even should. I would like to leave it at that and I hope that we can come up with a solution and we are not running these events in the red, they are well-organized, there is a limited liability factor, and everybody can have fun. I do like them. I have had some fun at them. Thank you very much.

Ms. Fountain-Tanigawa: The next speaker is Keiko Napier.

KEIKO NAPIER: Hi Councilmembers, my name is Keiko Napier and I am new to the island. I took on a big project in restoring a historic building in Hanapēpē Town. I started that process last May and I think I will be opening in the next month. During this time, I have been involved with the Hanapēpē Economic Alliance and have heard from the alliance's side the difficulties of managing the street vendors. I will now be a business owner and the business will include a restaurant, as well as retail. I agree with the fact that we need to have better policing. I believe that with food, I know that I have gone through many levels of requirements by the Department of Health and the amount of money that it has cost me to establish my restaurant has been considerable. I would like to know that there is some type of policing agency that says to the consumer that comes to Hanapēpē Town, and there are a lot of street food out there, that says, "Each Of These Vendors Have Been Approved By The Department Of Health," and that there is a certain level of cleanliness and procedure in place for anyone that is vending on Friday nights. I also agree about having some kind of application process for street vendors. There needs to be control over what is being sold on the street. I happen to come from Venice Beach, California, and I was a business owner Abbot Kinney and we had a huge boom in food trucks and street vending back in 2010. It affected us brick-and-mortar store owners in a very negative way because what was happening was that people...the easiest thing to see is what is on the street. The visitors would come and look at the street vendors and go, "This is like junk," or they would say, "This is the price of what is being sold on the street." Then they will come into the retail establishments, the

brick-and-mortars who are paying such exorbitant amounts of rent, and we would not be able to compete with what was being sold on the street, so people perceived us as being "overpriced." One (1) thing that drew me to Hanapēpē was the fact that that side of the island had a shortage of places for locals to shop that were not souvenir-type stores and so my inventory is not going to be reflective of what is sold on the street. I would really like to make sure that there is a way that at least someone who is...or a governing body meaning the Hanapēpē Economic Alliance, who is most intimately in the know of what is going on in Hanapēpē Town, have the authority to police who is on the street, meaning the vendors. Thank you.

Committee Chair Kagawa: Thank you. Anybody else wishing to testify?
Second time? Go ahead.

Ms. Carolan: Thank you, Council, for your time. I think the main things that I do really want to stress and why I feel I very strongly support this ordinance is that in trying to resolve the issues that we came across and reaching out to the County, it does seem that the County does not have the manpower to be able to manage or enforce. We have not had the authority as an organization, or certainly as a business owner, I do not want to get into a situation where I walk out the street and tell someone, "Hey, this is against the law to be selling your stuff on the street here." I think the ordinance addresses that issue. It is an event that partly takes place for the most part on private property because at this point we have told people who want to participate, vendors, that they need to make an arrangement with a private property owner. In order to manage the event, one (1) of the things that I did want you folks to know is the Hanapēpē Economic Alliance is a nonprofit. There are a lot of expenses that even just trying to deal with trash pickup, getting porta-potty for the extra need of restrooms that we do not have the funds. We are reaching out to the businesses who are members and asking them to contribute, because on Saturday morning all of the businesses are having to deal with a lot of trash from this event. One (1) of the things that a managed event would allow us to do is to be able to charge everyone who is participating. I do not see that...it is certainly not a money making type of thing. For us as a nonprofit, really just to be able to pay for basic services, we have not had budgets to pay for security, which is something that we feel would be helpful and beneficial. The fee of one hundred dollars (\$100) seems very reasonable and it is something we could manage. I applaud Kapa'a that they are actually breaking even. Every year, we do two (2) festivals, the Kaua'i Orchid & Art Festival and the Kaua'i Chocolate & Coffee Festival, and our silent auction for that sort of makes up for the shortfall for our monthly maintenance of collecting trash every Friday night. We pay for a service there. There are definitely a lot of fees associated with trying to manage an event like this. This ordinance would assist with that. That is it. I see the yellow light.

Committee Chair Kagawa: Thank you, good timing.

Ms. Carolan: Thank you.

Committee Chair Kagawa: Anyone else wishing to speak again? Come forward please.

Ms. Page: Judith Page. I did not say that I am the President of the Hanapēpē Economic Alliance. One thing that I did want to make clear from the last time this came up was that we feel that the only way we could proceed with this, should it pass, would be to hold a whole series of meetings to

involve all the business owners, to involve all the vendors that are regularly there or who have expressed interest in being on the street, and any community members, such as private property owners so that we can come up with a set of criteria. For example, we would give priority to Kaua'i Made, Kaua'i Grown, that kind of thing—some criteria for how we allow people to access spots on the street because this is their living and it is important to them, and we want it to be a fair process. Thank you.

Committee Chair Kagawa: Did you say that all the business owners are part of the Hanapēpē Economic Alliance?

Ms. Page: We would like them to all being paying members, but they have been really struggling since 2008 and it is not something that is in their budget all the time. They are not all members.

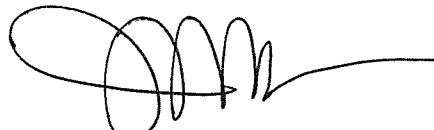
Committee Chair Kagawa: Not all members, okay, thank you.

Ms. Page: Thank you.

Committee Chair Kagawa: Anyone else wishing to speak for the second time? Seeing none, I want to thank you all for your information and excellent testimonies. Seeing no further speakers, this public hearing is adjourned.

There being no further testimony, the public hearing adjourned at 1:50 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

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