

PUBLIC HEARING

MAY 8, 2019

A public hearing of the Council of the County of Kaua'i was called to order by Arryl Kaneshiro, Chair, Committee of the Whole, on Wednesday, May 8, 2019, at 5:00 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable KipuKai Kualii
Honorable Arryl Kaneshiro

Not Present: Honorable Arthur Brun
Honorable Ross Kagawa

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

“Resolution No. 2019-23

RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 FOR THE COUNTY OF KAUA'I,”

“Bill No. 2738

A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 (*Fiscal Year 2019-2020 Operating Budget*),” and

“Bill No. 2739

A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 (*Fiscal Year 2019-2020 CIP Budget*),”

which were ordered to print by the Council of the County of Kaua'i on March 27, 2019, and published in The Garden Island newspaper on April 3, 2019.

The following communications were received for the record:

1. Costales, Melissa, dated May 7, 2019
2. Gallagher, Padraic & Matayoshi, Coralie, dated April 22, 2019
3. Westerhout, Mike, dated May 7, 2019

The hearing proceeded as follows:

Council Chair Kaneshiro: Anyone in the audience wishing to testify on the real property tax rates? Seeing none, the first public hearing is now adjourned.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: We can now move on to Bill No. 2738 the Operating Budget and Bill No. 2739, the Capital Improvement Projects Budget for Fiscal Year 2019-2020. We have one (1) registered speaker. Tessie Kinnaman.

TESSIE KINNAMAN: Good evening. *Aloha* Councilmembers. I am here to speak on Bill No. 2738. Specifically, I wanted to speak about the Public Access, Open Space, Natural Resources Preservation Fund (Open Space Fund). I would like to humbly request that Planning Committee Chair Chock propose and submit a money bill from the Open Space Fund to begin the process and implementation of the eminent domain purchase as a result of the passage of Resolution No. 2016-60 for the drainage easement on Lāwa'i Beach Road. The money bill of \$600,000 from the Open Space Fund should be placed in an escrow account to cover the initial court costs, purchase price, and initial access improvements to the coastal shoreline. The last time we approached this subject was...I think the value was \$153,000 and from the information I have, it is a 6 foot by 57 foot drainage easement that the County owns. It has been blocked off. For the new Councilmembers, the information should be on file here. We had a good discussion on it. That Resolution was passed pretty much unanimously with one (1)...well, six (6) votes to approve the Resolution for eminent domain. If you have any questions, I would be happy to answer them. I would really appreciate if this could move forward. It has been a long time. I know it is hard to do, but we need to do hard things sometimes. I think it is time we put this to rest. This has been a priority for the Kōloa Community Association and the community since 2006 when the Public Access, Open Space, Natural Resources Preservation Fund Commission was first formed in 2005 and the recommendations were offered. This was a top priority. We have been fighting for it since 2006 and back then the valuation was \$93,000. The restroom situation at Kiahuna, it took almost twenty (20) years to put in a public restroom down there. I hope this does not take that long. We do need more access on the South Shore. Everything is happening on the North Shore. We need that access, at least for the fisherman...this is more for sustenance, diving, and gathering. You could do some recreational things there, but the shoreline is pretty rocky. There is a small area for swimming, but there are a lot of rocks there too. I did submit a petition back in 2017 or 2018 that contained 1,500 signatures, a little over that amount. We subtracted about 124 visitor signatures. I wish we were able to use the visitor's signatures because speaking with them, they are really into the preservation of open space and public access. That is my testimony. Thank you.

Council Chair Kaneshiro: We have a clarifying question from Councilmember Cowden.

Councilmember Cowden: Eminent domain and the \$600,000, do we purchase it or are we doing eminent domain? I believe I know where that is. Is that across from the Lāwa'i Beach Resort area? Is it down right there?

Ms. Kinnaman: It is a property away from the Spouting Horn.

Councilmember Cowden: From Spouting Horn?

Council Chair Kaneshiro: The Hoban property.

Councilmember Cowden: Yes. Who owns the land? Did you say it was a drainage easement that the County owns?

Ms. Kinnaman: Yes.

Council Chair Kaneshiro: We have a drainage easement, but the land is owned by someone else.

Councilmember Cowden: Okay. And \$600,000 is what is being asked for it?

Ms. Kinnaman: No. The \$600,000 is to be placed into an escrow account because it would help cover court costs, the purchase price, et cetera.

Councilmember Cowden: I see.

Ms. Kinnaman: The last time, the amount was \$153,000 I think and initial improvements. It would not take much. Previously, they had planted a lot of heavy trees and plants along that drainage easement. I brought up the fact that the roots may damage the drainage pipes. Since then, they have cleaned it all up and you can see the abutting hollow tile wall. They have some small brush plants, but nothing heavy like they used to have. There were some major trees in there.

Councilmember Cowden: Okay.

Ms. Kinnaman: I have a picture of it. You folks should have it on file.

Councilmember Cowden: I know where it is. I was just trying to remember.

Ms. Kinnaman: Yes. This is a picture of it.

Councilmember Cowden: Yes. Okay.

Ms. Kinnaman: You can see the rocky shoreline here. The easement is opposite of the pool here. People dive a lot, throw net, and fish there.

Council Chair Kaneshiro: It may be more appropriate to have the Open Space Commission come here and present their priority list, which they have done in the past. Councilmember Evslin.

Councilmember Evslin: Is this still a top priority of the Open Space Commission? I know it was a very high priority back when I was on the Commission. Is it still a top priority?

Ms. Kinnaman: They recommended it back then, two (2) or three (3) years ago. However, the Administration did not agree at that time although did before, then things changed along the way. It is from the Open Space Fund and that is the purpose of the Open Space Fund. Yearly the Fund accrues from property taxes. It would help if the annual appropriation would go back up to two percent (2%). It would fill it up really fast again, like we did back in 2012 or 2010.

Council Chair Kaneshiro: Okay, thank you. Anyone else in the audience wishing to testify on our Budget? Seeing none, this public hearing is now adjourned.

Ms. Fountain-Tanigawa: Chair, there is one (1) more thing. Pursuant to Section 5A-6.3 of the Kaua'i County Code 1987, as amended, the Kaua'i County Council hereby announces its intention to fix the Real Property Tax Rates for Fiscal Year 2019-2020 on May 29, 2019 at 8:30 a.m. or soon thereafter in the Council Chambers located at 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, Hawai'i.

Council Chair Kaneshiro: Okay, thank you. We are done for today. Friday is our Budget Decision-Making so Councilmembers please be here on Friday. If not, it will be very difficult to cut or add anything if we do not have all the Councilmembers here. Thank you. If the public wants to testify on the Budget again, they can do so at 9:00 a.m. on the dot. That is the only opportunity to testify. It is 9:00 a.m. Thank you.

There being no further testimony, the public hearing adjourned at 5:11 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:sks