

## MINUTES

### **PARKS & RECREATION COMMITTEE March 21, 2007**

A meeting of the Parks & Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Tim Bynum, Chair, at the Historic County Building, Room 201, Līhu'e, Kaua'i, on Wednesday, March 21, 2007, at 2:16 p.m., after which the following members answered the call of the roll:

Honorable Tim Bynum  
Honorable Jay Furfaro  
Honorable Shaylene Iseri-Carvalho  
Honorable Ronald Kouchi  
Honorable JoAnn A. Yukimura  
Honorable Mel Rapozo, Ex-Officio Member  
Honorable Bill "Kaipo" Asing, Ex-Officio Member

Minutes of the February 6, 2007 Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Kouchi, and unanimously carried, Minutes of the February 6, 2007 Parks & Recreation Committee Meeting was approved.

The Committee proceeded on its agenda item as shown in the following:

**P/REC 2007-2** Communication (3/15/2007) from Tim Bynum, Parks & Recreation Committee Chair, requesting that the Administration be present to provide the status on responses to the January 19, 2006 follow-up questions regarding Bill No. 2149, Relating to Camping at Lydgate Park.  
**[This item was deferred until the April 18, 2007 Parks & Recreation Committee Meeting.]**

**TIM BYNUM, PARKS & RECREATION COMMITTEE CHAIR:** We have a communication from the Administration requesting deferral of this item, but before we do that, is there anyone from the public that wishes to speak on this matter?

There being no objections, the rules were suspended.

Mr. Bynum: Mr. Taylor?

**KEN TAYLOR:** Chair and members of the Commission, my name is Ken Taylor. Under normal circumstances, would be in favor of camping at the park, but under the circumstances that we were looking at for the near future of one coming the superferry not knowing what the impacts of that is going to be on the island, I

would certainly highly recommend that this issue be deferred until some time next year after we have an opportunity to see what the actual impacts of the superferry are going to be. It is my understanding also that in the past when there was some camping down there, there were a lot of problems and I don't know what has been done to rectify those problems or how those problems would be controlled in the future, but I think these issues are very important and that until we have a better idea of what... how to deal with them all, we should wait and leave things as they are. Thank you.

Mr. Bynum: Any questions? Thank you Mr. Taylor. Anyone else would like to speak on this matter?

The meeting was called back to order, and proceeded as follows:

Mr. Bynum: Can I have a motion to defer or any discussion?

SHAYLENE ISERI-CARVALHO: Yes, discussion. I am in receipt of the request for deferral. The Administration is requesting a deferral until April 18, 2007 which I will support. I have also been in receipt of a memorandum from, I believe, this is from Christina Pilkington who is our ADA Coordinator. She has provided some recommendations for changes to be made at the site. The site, currently, is not ADA compliant. They are expecting to do a site visit and this is the Mayor's Advisory Council for Disabled Persons and they are expecting to do a site visit on Wednesday, March 28. They will also be holding a meeting which is MACFEA, their acronym and they will also be holding a meeting on Tuesday, April 17, 2007 to discuss their site visit. In light of that, I think it is appropriate to have this meeting to April 18 to get a full report from MACFEA as well as hopefully the questions that we had sent over. I had sent over the questions back on January 20, 2006 and there were some attorney legal issues that were sent over about the interpretation of the ADA rules as well as documents that were supposed to be sent to our State agency to review in order to get approval of the site design. So I think, in light of that, I think it was appropriate to have the meeting deferred until April 18, 2007.

Mr. Bynum: Any other discussion?

JAY FURFARO: Yes, I do. Councilwoman, was there any chance that the notice of that walk through of the American Disability Act, was there any invitation to Councilmembers at all? Is that something that we can participate in?

Ms. Iseri-Carvalho: I am just going on the memorandum that I received yesterday and what I understand is that the Kaua'i Bus will be providing transportation there and it wasn't an open invitation as they were not going to post this as a meeting for us. But I am sure if we would want to assist or to go with the parties, I don't think it will be a problem. We just need to post if more than three (3) members are expected to go.

Mr. Furfaro: I guess that was my point because I see that as a open meeting, but it might be one where more than two (2) of us are interested in attending, so we may have to post it. Thank you very much for the information.

Mr. Bynum: And the proposed day is on a Council meeting day.

Ms. Iseri-Carvalho: Yes, and that might be a problem because they are leaving at 10:00 a.m. and expected to return at 12:45 p.m. That may have been set, no, I am joking.

Mr. Bynum: I wondered.

Ms. Iseri-Carvalho: No, I am joking. I think that there were times that needed to get an accessible bus and the parties, the more people that could attend and that date was actually, I believe, set at their prior meeting which they had yesterday. So that was the only... probably available date, so hopefully, we will get updated information by April 18.

Mr. Furfaro: Thank you.

RONALD KOUCHI: I have a question for Councilmember Iseri-Carvalho. I think I was awake. You said the communication that you sent out was dated January of 2006.

Ms. Iseri-Carvalho: That is correct.

Mr. Kouchi: Okay, thank you.

Ms. Iseri-Carvalho: That is the correct date and it has been over a year.

Mr. Kouchi: I thought that is what I heard.

Mr. Furfaro: 14 months.

Mr. Kouchi: Thank you.

Ms. Iseri-Carvalho: I spoke correctly. It has been some time, but there has been a lot of concerns that have been raised about the... especially with the compliance issues for the disabled community. They have been working on it and apparently it has been a long time coming, so hopefully, again, we will have some response by April 18. It is unfortunate that I just... I spoke with a County Attorney who was assigned the review that was requested on providing us an opinion on the interpretation of the ADA guidelines that were being disputed between our buildings head, Doug Haigh and our ADA Coordinator, Ms. Christina Pilkington. There was also County Attorney's position on the legality of hiring outside or private personnel to provide security functions. I spoke with the County Attorney yesterday, a Deputy County Attorney, who informed me that she had just gotten

assigned this memo yesterday, so she had asked as well of myself if a deferral could be possible for her to respond. She did not give me any reason as to why the memo that went out was out over 14 months ago, but to her informing me, she said that she got the assignment yesterday. So I said that I would rather have an opinion that was reviewed as opposed to one not, so I was in favor of the deferral to allow time to answer not only that question, but there was a list of 11 questions.

Mr. Bynum: Any other discussion?

There being no objections, the rules were suspended.

MEL RAPOZO, EX-OFFICIO MEMBER: I am a non-committee member. Ron, I know you weren't here and neither was Mr. Bynum, but although I know that Mr. Bynum did participate in the discussion if I remember correctly. I guess it was... what was that, 14 months ago or so, but I think the concerns were focused around and I know that the Chair as well share the concerns of the ADA compliance because that was an issue. County work, government, when you build something, you have to build it to ADA standards. In fact, the organization on O'ahu, DCAB, which I cannot remember what that acronym stands for... disability...

Ms. Iseri-Carvalho: Disability Communications Access Board.

Mr. Rapozo: That is the one... reviewed the plans and, in fact, made some recommendations and we are supposed to send back the fixes and get a final review and that has not been done as well. So I think it is, again, we find ourselves here in the Council being asked to expedite the process, but there are certain steps that need to be taken by the Administration and, simply, that has not been done. The concern that the Chair and I know both shared was the restrooms facilities. If, they, in fact, were adequate for that amount of people because you have the three (3) soccer fields, you have the Lydgate Park, and you have the campgrounds. Will those facilities, in fact, be adequate and that was a question as well that we asked and, of course, the legal questions. So we haven't received a response, you know, I would encourage all of you that send us the e-mail and the letters, you know, send a copy to the Mayor as well because that is where the buck stops. I mean, we can get, we can ask, we can push, but the bottom line is, they are the ones that make it happen. We fund it, they build it and that is how it works, so we do appreciate the testimonies, but I have to tell you that sometimes it is out of our hands and we have done what we can and we've asked, but the reality is, certain things need to be done to be in compliance with the law and until that is done, there will be no camping and that is the reality of life. Thank you Mr. Chair.

Mr. Bynum: Any other comments?

Ms. Iseri-Carvalho: I just wanted to, again, clarify. Councilmember Rapozo had brought up about the review by the DCAB board. That is a State agency that is mandated by the law that they review our plans and actually issue a... what they call a clean document review that your plans are according to

specifications. It was clear from the testimony that we had provided prior to the January 20, 2006 meeting by our ADA Coordinator Christina Pilkington and our Building Head Doug Haigh, that they were in dispute as to what those requirements were, thus they needed to have it reviewed in any case by the DCAB board. The DCAB board had recommendations for it to be in compliance, requested the County to make certain kinds of adjustments and changes to the building structures and the County has failed to do so. So we have not submitted those requested changes to DCAB to approve in order to continue with a legal site that we could open. So that really is the delay. I personally spoke with the DCAB representative and was told that we had still not submitted the required documentation and that is why the camp sites have not been opened up. Not because of the Council, but because the law mandates that they provide a review of the design and building plans of those structures, that they be ADA compliant and that had not been done so as of this date. So by April 17, hopefully, we will get more update... April 18, we will get updated information.

Mr. Bynum: Any other comments? I placed it on the agenda just for that purpose to get answers to the questions that were provided in the past and try to move forward with opening of this facility in an appropriate manner. I know some work has occurred on the questions and the concerns over the ensuing period and others need to be finalized and I am hopeful that it will be done by April 18, so we can have further discussion at that time.

Ms. Iseri-Carvalho: Chair, if I could just add that we have been continually monitoring this. It wasn't as if, on January 2006, we sent out this letter and haven't been monitoring. We have been consistently monitoring to come up in compliance and have not had the results that were necessary in order to open the facility. So in light of that, although it may not have appeared on the agenda since the January 20, we have been in constant communication with the Administration because the public had wanted to know what was going on with the facility. Again, this was an incomplete response that we provided and hopefully we will get a response even if it is 14 months past already.

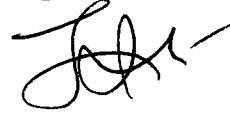
Mr. Bynum: Anything else? I would like to get a motion to defer.

The meeting was called back to order, and proceeded as follows:

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Furfaro, and unanimously carried, P/REC 2007-2 was deferred until the April 18, 2007 Parks & Recreation Committee Meeting.


There being no further business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,



Lisa Ishibashi  
Council Services Assistant

APPROVED at the Committee Meeting held on May 2, 2007:



TIM BYNUM  
Chair, Parks & Recreation Committee